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Vermont Collection

**ACTS**

PASSED BY

**THE LEGISLATURE,**

OF THE

**STATE OF VERMONT,**

*At their October Session,*

**1833.**

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# LAWS OF VERMONT,

PASSED

**OCTOBER SESSION,**

**A. D. 1833.**

## **PUBLIC ACTS.**

1.—An Act altering the terms of the courts in certain counties.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That in future, the fall terms of the county court, within and for the county of Essex, shall be holden on the third Tuesday of December; and within and for the county of Orleans, on the fourth Tuesday of December, in each, and every year, any law or usage to the contrary, notwithstanding.

Comp. Laws,  
Chap. 7.

Times of holding co. courts  
in Essex county  
Orleans county.

SEC. 2. *It is hereby further enacted,* That all complaints, informations, indictments, actions and suits, and every other matter or thing, in law, or equity, now pending in, and all writs, ~~varfants~~, appeals, recognizances, and every other matter or thing, returnable to said courts, respectively, in said counties, shall be entered, heard and determined, at the times in this act named for said courts, in said counties; and all persons and parties required by law to appear before either of said courts, in the counties aforesaid, shall appear and have day, in the same court, at the next term of said courts, to be holden in the same county, according to the provisions of this act.

Courts to take cognizance of all causes now pending, &c.

SEC. 3. *It is hereby further enacted,* That all acts, and parts of acts, coming within the purview of this act, shall be, and the same are, hereby repealed.

Former act repealed.

[Passed Nov. 7, 1833.]

2.—An Act, in addition to, and in alteration of, an act, entitled, "an act, in addition to an act, entitled an act, constituting the supreme court of judicature, and county courts, defining their powers, and regulating judicial proceedings;" passed November eighteenth, in the year of our Lord one thousand eight hundred and twenty-four.

Comp. Laws,  
Chap. 7.

State divided  
into five judi-  
cial circuits.

First circuit.

Second circuit.

Third circuit.

Fourth circuit.

Fifth circuit.

Judges to de-  
signate chief  
just. for county  
courts.

*It is hereby enacted by the General Assembly of the State of Vermont,* That instead of the manner in which the counties of this state are divided into judicial circuits, by the sixth section of the act, to which this is in addition, the counties in this state, shall be, and hereby are, divided into five circuits, as follows, to wit: the counties of Bennington and Rutland shall form the first circuit; the counties of Windham, Windsor and Orange, shall form the second circuit; the counties of Addison and Chittenden shall form the third circuit; the counties of Washington, Caledonia and Essex, shall form the fourth circuit; and the counties of Franklin, Orleans and Grand Isle, shall form the fifth circuit; and it shall be the duty of the justices of the supreme court, annually, to designate one of the said justices to be Chief Justice of the several county courts in each of said circuits.

[Passed, Oct. 29, 1833.]

Comp. Laws,  
Chap. 11.

Bills of ex-  
change and pro-  
missory notes  
payable at the  
time specified  
therein, with-  
out allowing  
days of grace.

3.—An act relating to bills of exchange and promissory notes.

*It is hereby enacted by the General Assembly of the State of Vermont,* That all bills of exchange and promissory notes, shall be deemed and taken to become due and payable, at the time specified in said bills of exchange and promissory notes, without allowing days of grace thereon.

[Passed Nov 1, 1833.]

4.—An act to prevent fraudulent attachments.

Comp. Laws,  
Chap. 7.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That from and after the passing of this act, any subsequent attaching creditor in any suit now pending in any of the courts of this state, or in

any suit hereafter to be commenced, in any of the courts aforesaid, may, on the suggestion of any fraudulent agreement, or combination, between the debtor and any previous attaching creditor; or that the claim of such previous creditor is illegal, or unjust, appear and defend against the claim of such previous attaching creditor, or any part thereof. *Provided nevertheless,* That before such subsequent attaching creditor shall be permitted to appear and defend, as aforesaid, he, she, or they shall be required by the court, before which such action is pending, to enter into a recognizance, with sufficient surety, to ensure all additional cost, to such previous attaching creditor.

Subsequent attaching creditor, may appear and defend against claim of previous attaching creditor in certain cases.

Proviso.

Subsequent attaching creditor to enter into recognizance..

SEC. 2. *It is hereby further enacted,* That whenever any subsequent attaching creditor shall appear and defend, as aforesaid, and it shall be adjudged and determined by the court, that such previous attaching creditor shall recover his just claim, and no fraud or collusion, being found or proved to the satisfaction of the court, then, in that case, such subsequent attaching creditor, so appearing, as aforesaid, shall pay to the adverse party, all such additional cost as may have arisen, by reason of such defence and trial.

Subsequent attaching creditor to pay cost in certain cases.

SEC. 3. *It is hereby further enacted,* That whenever it shall be adjudged and determined, by such court, that the claim of such previous attaching creditor, or any part thereof, is collusive or fraudulent, then, in that case, the party defending shall recover of such previous attaching creditor, all such cost as the court, before which such question shall be tried, shall adjudge just and reasonable; and such court may render judgment, and award execution, in the name of the party defending in such suit, in the same manner, as if he, she, or they had been an original party to the suit.

To recover cost in certain cases.

[Passed Nov. 7, 1833.]

#### 5.—An act to repeal part of an act therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That so much of an act, entitled, "an act authorizing the county courts to take charge of county property and to audit accounts," passed, November ninth, in the year of our Lord one thousand eight hundred and twenty six, as authorizes and directs such courts to take

Act of 1836 repealed.

charge of, and control the possession and occupancy of jails and jail houses, be, and the same is, hereby repealed.

[Passed Nov. 7, 1833.]

6.—An Act in addition to an act herein mentioned.

Comp. Laws,  
Chap. 7.

Provisions of  
act of 1817, relative to the  
manner of securing attachments, extended.

*It is hereby enacted by the General Assembly of the State of Vermont,* That whenever the machinery used in any shop, mill or factory, or hides, in the process of tanning, or cord wood, or stone, or ore, or lime, or bark, or shingles, or boards, or potatoes, shall be attached on mesne process, or taken on execution, the same mode of service may be had thereon, and the same effect given thereto, as is provided by an act, entitled, "an act in addition to an act, entitled an act constituting the supreme court of judicature, and county courts, defining their powers and regulating judicial proceedings," passed November sixth, one thousand eight hundred and seventeen.

[Passed Nov. 7, 1833.]

7.—An Act to regulate the choice of a Council of Censors.

Freemen's  
meeting for  
choice of council  
of censors.

*SECTION 1. It is hereby enacted by the General Assembly of the State of Vermont,* That the first constable in each town in this state, or in his absence, or inability, the town clerk, or one or more of the selectmen, is hereby required, at least twelve days before the last Wednesday of March next, to warn a meeting of the freemen, in their respective towns, to be held at the places agreed upon for holding freemen's meetings in such towns, on the last Wednesday of March next, at one o'clock in the afternoon, to give in their votes for thirteen such persons, as they would choose as a Council of Censors, as provided by the constitution; and the presiding officers are hereby required to open the meetings, and to call on the freemen of such town from time to time, for the space of four hours, to give in their votes for thirteen such persons as they would choose for a Council of Censors—which votes shall be sorted and counted by the presiding officer,

with the assistance of the town clerk, for the time being; and a list of the same being made on one sheet of paper, with the number of votes for each person, of which a record shall be made in the town clerk's office, signed by the presiding officer, and sealed up and superscribed with the name of the town and the words, "*Votes for the Council of Censors*," which certificate shall be in the form following, to wit;

### STATE OF VERMONT.

At a freemen's meeting legally warned and holden at <sup>Form of certificate.</sup> in the county of \_\_\_\_\_ on the last Wednesday of March, A. D. 1834, the votes for a Council of Censors having been duly taken, sorted and counted, the following persons had the number of votes annexed to their names respectively, to wit:

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Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1834.

A. B. First Constable,  
Town Clerk, or Select man, (as the case may be.)

And it is made the duty of such presiding officer, to deliver such certificate, so sealed up, to the clerk of the county court, in the county in which such votes were taken, within fourteen days from the taking of such votes; and the said county clerks are hereby directed to receive the said votes, and to meet at the state house, in Montpelier, on the Wednesday next following the first Monday of May next, at one o'clock afternoon, who, when convened, shall proceed to sort and count said votes, and shall certify to the governor the thirteen persons who have the highest number of votes, as elected Censors, within six days from the time of their meeting aforesaid, who is hereby required, at the charge of the state, to notify such persons, officially, of their election, within twenty days.

SEC. 2. It is hereby further enacted, That in case of

Certificate of votes to be returned to county clerk.

Duty of clerks.

Proceeding in  
case of disabili-  
ty of clerks.

absence or disability of any such county clerk, it shall be the duty of the presiding officer aforesaid, to deliver such certificate, so sealed, to the sheriff of such county, whose duty it shall be to perform the services in this act enjoined on the county clerk.

Meeting of cen-  
sors.

Duty of secre-  
tary of state.

SEC. 3. *It is hereby further enacted*, That the Council of Censors shall hold their first meeting at the state house in Montpelier, on the day appointed by the constitution for that purpose, and notice from the governor, of such election, shall be sufficient credentials of such choice; and it is hereby made the duty of the secretary of state, to cause this act, with a list of the council and house of representatives, to be printed before the rising of this assembly, and to forward an attested copy thereof, directed to the first constable, or for want thereof to the town clerk, or one of the selectmen in each organized town in this state, by the representative belonging to such town; and where there is no such representative, present, such copy, directed as aforesaid, shall be forwarded by a representative of some adjoining town, whose duty it shall be to cause the same to be delivered, according to the direction, previous to the first day of February next.

Penalty on con-  
stable for neg-  
lect.

SEC. 4. *It is hereby further enacted*, That if the first constable, or any other presiding officer, in any town, shall neglect or refuse to perform any of the duties enjoined by this act, and be thereof convicted, by the county court of the county where such refusal or neglect shall take place, he shall forfeit and pay to the treasurer of the same county, a fine of twenty dollars, with costs.

Penalty for  
neglect of sher-  
iff or clerk.

SEC. 5. *It is hereby further enacted*, That if any county clerk or sheriff, refuse or neglect to perform the duties of this act of him required, and be thereof convicted, before the county court of the county where he resides, he shall forfeit and pay a fine to the treasurer of this state, of one hundred and fifty dollars, with costs.

Fees for sundry  
services.

SEC. 6. *It is hereby further enacted*, That the said presiding officers shall be entitled to receive, for their services, in returning said votes, six cents per mile, each way, from their respective dwellings, to the residence of the county clerk, or sheriff, to whom such return is, by this act, to be made; and the said county clerks and sheriffs, shall receive six cents per mile, each way, for their travel, and two dollars and fifty cents per day, while attending to the business of their appointment, to be paid out of the treasury of this state; and the auditor of accounts

against the state is hereby directed to audit the accounts of the county clerks and sheriffs, and the county clerks are directed to audit the accounts of the constables, and other presiding officers, and draw orders accordingly.

[Passed Nov. 6, 1833.]

8.—An act, in addition to, and in amendment of an act, entitled, “an act, to authorize the Supreme Court to empower guardians to sell the real estate of their wards,” and of an act in addition thereto, passed October twenty first, one thousand eight hundred and twenty-three.

Comp. Laws,  
Chap. 7.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the oaths, required by the acts, to which this is in addition, may be administered by the clerk of the court, granting such license, or by any judge or justice of the peace of this, or of any of the United States, a certificate of which shall be duly endorsed on, or appended to such license, and signed by the authority administering the same.

Oaths required  
by former acts  
may be admin-  
istered by judge  
or justice of  
this state or U.  
States.

[Passed Nov. 4, 1833.]

9.—An act, in addition to an act, entitled “an act, directing the proceedings against the trustees of concealed or absconding debtors”

*It is hereby enacted by the General Assembly of the State of Vermont,* That whenever any executor, or administrator, in this state, shall have in his, her, or their possession, as executor or administrator, any money, goods, chattels, rights or credits of any person, who shall have secretly absconded from this state, or who shall keep concealed within the same, or of any person residing without this state, any creditor may cause such executor, or administrator, to be summoned as trustee or trustees, of such person or persons, and the same proceedings shall be had, and the same judgment rendered, and the same force and effect given to said judgment as are, in, and by said act enacted.

Comp. Laws,  
Chap. 13.

Executor and  
administrator  
may be sum-  
moned as trustee  
in certain  
cases.

[Passed Nov. 6, 1833.]

Comp. Laws,  
Chap. .32

10.—An act, in addition to an act, entitled, “An act for the punishment of certain inferior crimes and misdemeanors.”

*It is hereby enacted by the General Assembly of the State of Vermont,* That if any person shall wilfully, and maliciously kill, cut, wound or maim any cattle, horses, sheep, or swine, belonging to any other person, such offender, upon conviction thereof, before the county court, shall be fined, not exceeding three hundred dollars.

[Passed Nov. 7, 1833.]

Comp. Laws,  
Chap. 44.

11.—An act in addition to an act, entitled, “an act constituting Probate Courts, and defining their powers, and regulating the settlement of testate and intestate estates, and the guardianship of minors and insane persons,” passed November fifteenth, one thousand eight hundred and twenty-one.

*It is hereby enacted by the General Assembly of the State of Vermont,* That in all cases, where an appeal shall, hereafter, be taken from the probate court to the supreme court of judicature, agreeably to the seventh section of the act to which this is in addition, said supreme court shall have discretionary power to tax costs, in such appeal, for either party.

[Passed Nov. 6, 1833.]

Comp. Laws,  
Chap. 66.

12.—An act in addition to, and amendment of an act, entitled, “an act laying duties on licenses to hawkers and pedlers.”

Provisions of  
former act ex-  
tended to A-  
merican cotton,  
woollen goods,  
&c.

*SECTION 1. It is hereby enacted by the General Assembly of the State of Vermont,* That from and after the passing of this act, the provisions of the act to which this is in addition, shall be construed to extend, and the same are hereby extended to, any person who shall become a hawker and pedler of American manufactured jewelry of any kind; of American cotton, linen, silk or woollen goods; or of domestic manufactured essences: *Provided,* the sums required for licenses to hawkers and pedlers of American cotton, linen, silk or woollen goods, or of domestic manufactured essences, shall be as follows, to wit:—for every



person travelling on foot, the sum of ten dollars; for every person so travelling with a single horse, or other beast, bearing burden, the sum of fifteen dollars; and for every person so travelling with a waggon, sleigh or other vehicle, drawn by one beast, or more, the sum of twenty dollars.

SEC. 2. *It is hereby further enacted,* That if any person shall forge, or counterfeit any such license, or travel with any forged or counterfeit license, for the purpose in said act mentioned, said person shall be deemed guilty of forgery, and being convicted thereof, shall be punished accordingly.

SEC. 3. *It is hereby further enacted,* That all fines and forfeitures imposed by this act, or by the act to which this is an addition, shall be paid into the county treasury, in which said offence shall be committed; and instead of the mode provided by the fourth section of the said act, to which this is an addition, for the recovery of said fines and forfeitures, the same shall be recovered by information or indictment, before the county court, in the same county, where said offence shall be committed. And it shall be the duty of the state's attorneys in the several counties in this state, to inform against, and prosecute all persons who shall be guilty of any breach of this act, or of the act to which this is an addition. And it shall, also, be the duty of the grand jurors of the several towns in this state, to make presentment of all offences against this act, or the act to which this is an addition, to some justice of the peace, within the same county, that the offenders may be bound over for their appearance before the county court for trial.

*Provided,* That this act shall not take effect until the first day of January next.

[Passed Nov. 7, 1833.]

13.—An act in addition to an act, entitled, "An act to repeal the several acts therein mentioned," passed November 9, 1831.

*It is hereby enacted by the General Assembly of the State of Vermont,* That in all cases, where any judgment, order or decree for the payment of damages, or costs, or of any sum, or sums, for the purpose of making or repairing any roads, or building or repairing any bridge, has been made by the road commissioners, appointed under the act in addition to the several acts for laying out, mak-

ing and repairing highways," passed the thirteenth day of November in the year of our Lord one thousand eight hundred and twenty-seven, and the acts in addition thereto ; or the act "relating to roads and bridges," passed November 10th, 1830, and the said judgment, order or decree has not been satisfied, paid, or in any wise annulled, the person or persons, in whose favor said judgment, order or decree is made, may apply, by petition, to the county court, for the county in which said judgment, order, or decree was made, for an execution, for the amount of said judgment, order or decree, together with costs of suit ; and the said county court is hereby authorized to issue said execution.

*Mode of serving petition.* *Provided nevertheless,* That the petitioner or petitioners, shall cause a copy of said petition, together with a citation, signed by the clerk of said county court, to be served upon the adverse party, at least twelve days before the session of the county court, to which said petition is returnable.

[Passed Oct. 25, 1833.]

Comp. Laws.  
Chap. 50.

14.—An act to repeal an act therein mentioned.

*Former act repealed.*

*It is hereby enacted by the General Assembly of the State of Vermont,* That the act in addition to an act, entitled, "an act regulating town meetings, and the choice and duty of town officers," passed, January thirty-first, in the year of our Lord one thousand eight hundred and four, be, and the same is, hereby repealed.

[Passed Nov. 4, 1833.]

15.—An act providing for the compiling and printing an additional volume of the Laws of this State.

*Governor authorised to appoint person to compile a second volume of laws.* *SECTION 1. It is hereby enacted by the General Assembly of the State of Vermont,* That some suitable person, to be appointed by the Governor and Council, be, and is hereby authorized to compile and arrange, for printing, all the public statutes of this state, which shall be in force

after the rising of this legislature, and which have been, or shall have been passed, since the year of our Lord, one thousand eight hundred and twenty four, as a second volume of the compiled laws of this state.

SEC. 2. *It is hereby further enacted*, That the said person shall make return of his doings to the Governor, as soon as may be, after he shall have completed his compilation, that the same may be laid before the next legislature, at an early day thereof, in order that the same, together with the laws of the next session, may be reprinted.

When to make  
return of his  
doings.

[Passed Nov. 2, 1833.]

- 16.—An act in addition to the act, passed November seventeenth one thousand eight hundred and twenty-five, entitled, "an act for the benefit of common schools."

Comp. Laws,  
Chap. 87.

*It is hereby enacted by the General Assembly of the State of Vermont*, That the commissioner of the school fund, be, and hereby is, directed, hereafter, not to loan any more money from said fund, as heretofore, but to deposit the same in the treasury, as received; and the treasurer shall keep an exact account thereof, and, annually, charge the state with the interest on all the money so deposited, which shall be considered as borrowed from the aforesaid fund; and the treasurer is hereby authorized and directed to pay out said money, on any appropriations authorised by law.

Commissioners  
of school fund  
directed not to  
loan any more  
money from  
said fund.

To deposit  
same in treas-  
ury, &c.

[Passed Nov. 7, 1833.]

- 17.—An act, in addition to an act, passed Nov. 18, 1824, entitled, "an act, in addition to an act, entitled an act, defining what shall be deemed and adjudged legal settlement, and for the support of the poor; for designating the duties of the overseers of the poor, and for the punishment of idle and disorderly persons."

Comp. Laws,  
Chap. 47.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That if any person, or persons, shall be guilty of a violation of the first section of the act, to which this is in addition, the person or persons, so offending, shall forfeit and pay to the treasurer of the

Penalty for vio-  
lating 1st sec.  
of former act.

town, in which such offence shall be committed, a sum not exceeding three hundred dollars, nor less than fifty dollars.

Sum to be paid  
for license to  
exhibit living  
animals.

SEC. 2. *It is hereby further enacted, That the selectmen, or a majority of them, of any town in this state, shall, in no case, grant permission to any person or persons, to exhibit any living animal, or animals, for a sum exceeding three hundred dollars, nor less than fifty dollars, any law to the contrary notwithstanding.*

[Passed Nov. 2, 1833.]

18.—An act, in addition to an act, entitled, "an act, authorising stewards of churches to hold lands for certain purposes," passed Oct. 30th, 1823.

Stewards au-  
thorised to con-  
vey real estate  
by deed, &c.  
Proviso.

*It is hereby enacted by the General Assembly of the State of Vermont, That the stewards, and their successors in office, named in the act to which this is an addition, be authorized to convey, by deed, or otherwise, any real estate committed to their trust; Provided, they first get a vote of two thirds of the members of some quarterly meeting conference, in the circuit or station where such property is situated.*

[Passed Nov. 7, 1833.]

Comp. Laws,  
Chap. 89.

19.—An act to repeal certain sections, and parts of sections, and in explanation of an act, entitled, "an act to provide for the support of common schools;" and also, to repeal an act in addition to said act.

Parts of former  
acts repealed.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont, That the third section of an act, entitled, "an act, to provide for the support of common schools," passed November ninth, one thousand eight hundred and twenty seven, except so much of said section as relates to the duty of selectmen; and that the fourth, fifth, sixth, thirteenth, and sixteenth sections of said act, and so much of the eighteenth section of said act, as imposes a fine on any town for refusing or neglecting to choose a superintending committee of schools, in such*

town; and also, that an act, entitled, "an act, in addition to an act, entitled, "an act to provide for the support of common schools," passed October thirtieth, one thousand eight hundred and twenty eight, be, and the same are hereby repealed.

SEC. 2. *It is hereby further enacted*, That the proviso to the eleventh section of the aforesaid act, entitled, "an act to provide for the support of common schools," shall not be construed to empower, or authorize, any school district to raise money for the purpose of supporting its school, on any scholar, who does not attend such district school.

Eleventh section of the former act how to be construed.

SEC. 3. *It is hereby further enacted*, That from and after the passing of this act, the inhabitants of any school district, being legal voters therein, are hereby authorized, at a legal meeting warned for such purpose, to abate on any rate bill, made out for the collection of taxes, raised by the authority of such district, an amount not exceeding five per cent, two thirds of said inhabitants present, at such meeting, agreeing thereto.

Inhabitants of school district may abate on rate bill, &c.

[Passed Nov. 6, 1883.]

#### 20.—An act in relation to extra judicial oaths.

*It is hereby enacted by the General Assembly of the State of Vermont*, That hereafter, if any person in this State, authorized by law, to administer oaths, or affirmations; or any person not authorized, as aforesaid, shall administer to any person, or persons in this state, any oath, affirmation, or obligation in the nature of an oath, not authorized by law; or if any person, or persons, in this state, shall knowingly, or wittingly, permit or suffer any such oath, affirmation, or obligation in the nature of an oath, to be administered to, or taken by him, or them, every such person so offending, shall forfeit and pay to, and for the use of the state, a sum not exceeding one hundred dollars, nor less than fifty dollars, to be recovered by information or indictment, before any court of competent jurisdiction, in the county wherein such offence shall be committed.

Penalty for administering or taking oath not authorized by law.

*Provided, however*, That nothing in this act contained, shall be construed to extend to the administering or taking, of any oath or affirmation, to the truth of any affida-

Proviso:

vit, to be used in support of, or in opposition to, any motion made, or to be made, in any suit, pending in any court of law, or equity, or before arbitrators, or referees, or to the administering of any oath or affirmation to any arbitrators, referees, or appraisers; or to any affidavit, oath, or affirmation, administered or taken for the establishment of truth, or the furtherance of justice, or to interfere with, or abridge the powers of any magistrate, in the discharge of his official duty.

[Passed Nov. 7, 1833.]

21.—An act for the benefit of the blind.

**SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer be, and hereby is, directed to pay to the order of the board of commissioners, hereinafter empowered, out of any monies in the treasury, not otherwise appropriated, any sum not to exceed twelve hundred dollars, in amount, annually for ten years, next ensuing.

Treasurer directed to pay to board of commissioners, annually, twelve hundred dollars.

Commissioners of deaf and dumb to superintend the concerns, relative to the education of the blind.

And make annual report to the legislature.

**SEC. 2.** *It is hereby further enacted,* That the board of commissioners, appointed annually, in pursuance of an act, entitled, "an act, for the benefit of the deaf and dumb," passed November ninth, one thousand eight hundred and twenty-five, shall have power to approbate and designate the objects of the state's bounty, herein embraced; to draw orders on the treasury, pursuant to the provisions of the first section of this act; to superintend and direct all concerns relative to the education of the blind, who are inhabitants of this state, and to superintend the expenditures, necessary to defray the expenses of such as are suitable subjects, and who are desirous to receive the benefits of education, offered by the New-England Institution, for the instruction of the blind, established in the city of Boston, in the state of Massachusetts, for the instruction of the blind. And it shall be the duty of the commissioners aforesaid, to make annual reports to the legislature of their proceedings, with an account of the expenditures, incurred by them, in the discharge of their duties, under the authority of this act.

**SEC. 3.** *It is hereby further enacted,* That the town clerks, magistrates and selectmen, of the respective towns, in this state, or a majority of them, be, and they are here-

by, made a board of inquiry, whose duty it shall be, annually, to ascertain and certify to the county clerk of each county, on or before the first day of February, in each, and every year, the number of blind persons in the several towns, their respective ages, condition and circumstances, and the ability of the parents to educate them; and whether, in their opinion, they are in this respect, proper subjects of the charity of the state, and whether said blind are willing to become, and whether their parents, or guardians, are desirous they should become, beneficiaries in the said institution. And it is hereby made the duty of the county clerks, in each county, and they are directed, to make returns, from year to year, to the said commissioners, of all the information they receive from the respective boards of inquiry, aforesaid, relating to the blind, on, or before the first day of March, in each, and every year.

Town clerks, magistrates and selectmen constituted a board of inquiry.

Their duty.

Duty of county clerks.

[Passed Nov. 7, 1833.]

22.—An act relating to retailers of spirituous liquors, directing the mode of obtaining licenses, and regulating houses of public entertainment.

Comp. Laws,  
Chap. 63-64.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That every person who shall hereafter be or become a retailer or seller of rum, brandy, gin, whiskey, or other distilled spirits, or wines, in a less quantity than thirty gallons, and that delivered and carried away, all at one time, shall be deemed, and is hereby, declared to be, a retailer of ardent spirits, within the meaning of this act.

Retail dealers in wines, &c. described.

SEC. 2. *It is hereby further enacted,* That if any person or persons within this state shall presume to be a retailer of ardent spirits, except such person or persons be first duly licensed therefor, according to law, as is hereinafter provided; and if any person, or persons, having been duly licensed to be retailers of ardent spirits, shall presume to sell any of the liquors mentioned in the first section of this act, or any wines, or other spirituous liquors, either publicly, or privately, mixed or unmixed, to be drank in his, her, or their house or shop, or in any of the parts or dependencies of the same, he, she, or they, so offending, shall forfeit and pay a fine of ten dollars for

Penalty for presuming to be a retailer without being licensed.

the first offence, to the treasurer of the town in which such offence shall be committed, with costs of prosecution, and double that sum, for every succeeding breach of this section of this act, of which he, she, or they shall be convicted.

Penalty for presuming to be an innkeeper without license.

SEC. 3. *It is hereby further enacted*, That if any person or persons within this state, shall presume to be, or become a common innkeeper, or keeper of a house of public entertainment, or seller of rum, brandy, gin, whiskey, or other spirituous liquors, or wines, to be drank or used in or about his, her, or their premises, except such person or persons, be first duly licensed therefor, according to law as is hereinafter provided, he, she, or they, so offending, shall forfeit and pay a fine of ten dollars to the treasurer of the town in which such offence is committed, with costs of prosecution; and so double that sum for every succeeding breach of this section of this act, of which he, she, or they shall be convicted.

Proviso.

*Provided, nevertheless*, That all breaches against this act, for which prosecution shall be commenced, by town grand jurors, shall be prosecuted in sixty days from the commission of said offence, and not after.

Proviso.

SEC. 4. *Provided nevertheless, and it is hereby further enacted*, That no person shall be liable for either of the penalties, mentioned in the foregoing sections of this act, for violations or breaches thereof, which shall or may occur, previous to the first day of April next.

Town grand jurors constituted informing officers.

*Provided, also*, That the grand jurors of the several towns, in this state, be, and they hereby are, constituted informing officers, within their respective counties, for all offences against, or breaches of, the foregoing sections of this act. And any of the justices of the peace are hereby authorized, within their respective counties, to hear, try, and determine, any prosecution that may be instituted by any town grand juror, for a violation or breach of this act.

Civil authority authorized and required to approbate one or more persons to keep inn.

SEC. 5. *It is hereby further enacted*, That the justices of the peace, selectmen, constables, and grand jurors of the respective towns in this state, shall be, and hereby are, constituted a board of civil authority, duly authorized, and required, to recommend and approbate, on application, one or more, person, or persons, as they, or a majority of them, shall, in their discretion, judge fit and suitable, to keep inns or houses of public entertainment, or to be retailers of ardent spirits, within their respective towns, for the year ensuing the first day of April, annually. And said board of civil authority are hereby requir-



ed to hold a meeting, for that purpose, on the last Monday in March annually, at two o'clock, afternoon, at the usual place of holding town meetings, in their respective towns, and at such other time, or place, on application for that purpose, as shall be thought meet and proper. And whenever a majority of said board, present, at their annual meetings aforesaid, or at any special meeting, holden as aforesaid, for that purpose, shall, on application, approbate one, or more, person, or persons, to become innkeepers or retailers as aforesaid, it shall be the duty of said board to furnish each, and every person, so by them approbated, with a certificate, in writing, to be signed by, at least, a majority of all of said board, present, specifying the particular branch of business, for the pursuit or transaction of which, such person is approbated, designating the time, place and house, or other building, during, at, and in which, such particular business is to be transacted, and also fixing the sum which such person shall pay for a license, to carry on such particular business, which license is to be granted, in the manner hereinafter mentioned; said sum in the case of innkeepers to be not less than three dollars, nor more than fifty dollars, and in the case of retailers, not less than ten dollars, nor more than one hundred dollars, in the discretion of said board of civil authority.

And give certificate.

And the sum to be paid for license, by innkeepers and retailers.

*Provided*, That all such meetings shall be notified in the manner now, by law, prescribed, for warning town meetings. *Provided, also*, That in all cases where any person or persons, having a license under the present law, which shall expire after the first day of April next, who shall be approbated by the civil authority, as aforesaid, such person or persons may be assessed, in such sum or sums as would be a fair proportion to the amount such person, or persons, would be liable to be assessed for the whole year, according to the provisions of this act.

Provide.

SEC. 6. *It is hereby further enacted*, That the treasurers of the several towns in this state, be, and hereby are, authorized and required, on being presented with a certificate, granted and executed as aforesaid, and being tendered the sum of money, specified in such certificate, to make out and deliver to the person presenting the same, a license according to the tenor and import of such certificate; said license to be signed with the official signature of the treasurer of the town, wherein such certificate is granted; and the person receiving such license, shall pay to said treasurer the sum of twenty-five cents for his trouble in making out the same. *Provided, nevertheless*, That

Town treasurer to make out and deliver a license to persons approbated.

Proviso.

no license granted as aforesaid, shall continue and be in force, beyond the first day of April following the date of said license. *Provided, also,* That when any treasurer of any town is the applicant for a license, as aforesaid, any justice of the peace in said town is authorized, and required to grant a license in the same manner as such treasurer is authorized and required to do, in other cases.

Monies received for licenses to be paid into town treasury.

SEC. 7. *It is hereby further enacted,* That all the monies arising from the granting of licenses in the several towns in this state, as aforesaid, shall be paid into the treasury of the respective towns, wherein such licenses are granted, to be appropriated towards defraying the expense of supporting the poor of such towns.

Civil authority empowered to declare license forfeit.

SEC. 8. *It is hereby further enacted,* That whenever it shall be made to appear to the satisfaction of two thirds of the aforesaid board of civil authority of any town, in this state, that any person, in their respective towns, having been duly licensed as aforesaid, shall use the privileges conferred by such license, in an improper manner, so as to injure the public morals, or disturb the peace and good order of such town, said board, or two thirds of them, in such town, shall have full power and authority, to declare the license granted to such person, so offending, forfeit, and to revoke and annul the same, and after being duly notified thereof, in writing, by such board, such person shall be entitled to no further benefit or protection, by virtue of said license.

Civil authority authorized to forbid licensed innkeepers and retailers to sell to idle and intemperate persons.

SEC. 9. *It is hereby further enacted,* That whenever any person shall, by idleness, or by excessive drinking of spirituous liquors, so misspend, waste or lessen his, or her, estate, as thereby either to expose himself, or herself, his, or her family, to want, or indigent circumstances, or the town to which he, or she, belongs, to a charge or expense, for the maintenance of him or her, or his or her family, or shall so habitually indulge himself, or herself, in the use of spirituous liquors, as thereby greatly to injure his, or her health, or endanger the loss thereof, the aforesaid board of civil authority of the town, wherein such person resides, shall, in writing, under the hands of a majority of said board, forbid all licensed innkeepers and retailers, to sell to any such person, or persons, as aforesaid, any spirituous, or strong liquors, in this act mentioned, or referred to, for the space of one year. And if any licensed innkeeper or retailer shall, during any such prohibition, sell, or give to any such prohibited person, or assist him in obtaining, either directly, or indirectly, any spirituous liquors, in this act mentioned or referred to, he, or she,

Penalty for selling to such prohibited persons.

shall, for every such offence, severally forfeit and pay a fine of ten dollars to the treasury of the town, in which such offence is committed, to be recovered in an action of debt, on this statute, in the name of the treasurer of such town. And the board aforesaid, at any annual, or special meeting, thereof, may, if they think proper, give notice, as aforesaid, to any licensed innkeeper or retailer, of any other town, forbidding them to sell to any such person, as aforesaid, any spirituous liquor, in this act mentioned. And if any licensed innkeeper, or retailer, shall, after receiving such notice, and during such prohibition, sell to any such prohibited person, any spirituous liquors, in this act mentioned, he, she, or they, shall, for every such offence, severally, forfeit and pay a fine of ten dollars, to the treasury of the town in which such prohibited person resides, to be recovered in an action of debt on this statute, in the name of the treasurer of the town, in which such prohibited person resides.

SEC. 10. *It is hereby further enacted,* That if any licensed innkeepers, in this state, shall, hereafter, trust, or give credit, from time to time, to any person, for liquor, to be drank and used in his or her premises, such innkeeper shall lose and forfeit all such sums, so trusted, and credited, and all actions hereafter brought for such debt, or debts, shall be utterly excluded and barred, any law, custom, or usage, to the contrary notwithstanding.

SEC. 11. *It is hereby further enacted,* That every innkeeper in this state, licensed as aforesaid, shall, at all times, be furnished with suitable refreshments, provisions and accommodations, for travellers, their cattle and horses, on penalty of forfeiting the sum of three dollars, to the use of any person who will sue for the same, in an action on the case, founded on this statute.

SEC. 12. *It is hereby further enacted,* That every person who shall keep an inn, or house of public entertainment, in this state, shall, within thirty days after his, or her, license, put up a proper sign, upon, or near the front of his, or her, house, with his, or her name thereon, and keep up such sign during the time he, or she, shall keep such house of entertainment, under penalty of forfeiting and paying two dollars for every month's neglect so to do. And shall also erect and keep in good repair, a good and sufficient shed or covering for horses, near to his, or her house, with a suitable trough or manger, convenient for the accommodation of travellers' horses, under penalty of forfeiting and paying the sum of five dollars, for every sixty days' neglect so to do; one moiety of either of

Debts due to innkeepers for liquor, to be barred.

Innkeepers to be furnished with accommodations for travellers.

Shall put up signs.

Penalty for neglect.

And erect shed, &c. for horses.

Penalty for neglect.

the two last mentioned penalties to the use of the town, in which such person lives, and the other moiety to the person who shall sue for, and prosecute, the same to effect, in any court having cognizance thereof.

This act not to extend to physicians, &c.

SEC. 13. *It is hereby further enacted,* That nothing contained in this act, shall be construed to extend to physicians, apothecaries, surgeons, or chemists, as to any spirituous liquors which they may use, in the preparation, or making up, of medicines, for sick, lame, or diseased persons only.

Vergennes to be subject to the provisions of this act.

SEC. 14. *It is hereby further enacted,* That the city of Vergennes in this state, shall be subject to, and governed and regulated by all the provisions of this act, in the same manner as any town, and that the common council of said city shall form a constituent part of the board of civil authority, within said city, in the same manner as the selectmen form a part thereof, in the several towns.

Innkeepers not intending to sell liquors, how licensed.

SEC. 15. *It is hereby further enacted,* That whenever any person shall be duly approbated, as is herein before provided, to keep a house of public entertainment, in any town in this state; and such person shall not desire or intend to keep, or sell any distilled liquors, or wines, to be used or drank, in, or about his, or her, premises, it shall be the duty of the board of civil authority, in such case, to specify the same, in the certificate granted to such person. And every such person shall thereupon be entitled to receive of the treasurer of the town, a license, in which shall be specified such particular provision, without paying any thing therefor, except the sum of twenty-five cents to the treasurer, for making out such license, as aforesaid.

Acts repealed.

SEC. 16. *It is hereby further enacted,* That an act, entitled, "an act, directing the mode of obtaining licenses, and regulating inns, and houses of public entertainment," passed November second, in the year of our Lord, one thousand seven hundred and ninety eight, and all acts in amendment thereof, or in addition thereto; also, an act, entitled, "an act, laying duties on licenses for selling wines, and foreign distilled spirituous liquors, by retail," passed November eleventh, in the year of our Lord, one thousand eight hundred and two, and all acts in addition thereto; also, an act, entitled, "an act, more effectually to prevent intemperance," passed November fifteen, in the year of our Lord, one thousand eight hundred and twenty one, be, and the same are, hereby, repealed. *Provided,* That this, the repealing section of this act, shall not have, nor take effect, until the first day of April next. *Provided, also,* That nothing in this act contained, shall

be construed to extend to, or affect any license, hitherto granted to any person, by lawful authority; nor to the prosecution for any fine, forfeiture, or penalty, which has accrued, or may accrue, under the existing laws relating to licenses, and regulating retailers and innkeepers, so long as the same shall continue in force.

[Passed Nov. 7, 1833.]

23.—An act, for the relief of military pensioners.

Comp. Laws,  
Chap. 29.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That no pensioner, under the authority of the Congress of the United States, for military services, making application for the benefit of the poor debtor's oath, shall be prevented from taking said oath, by reason of any money due, or on hand, or, thereafter, to become due, to such pensioner, by virtue of any act of congress, aforesaid, any law, or usage, to the contrary notwithstanding.

United States' pensioners permitted to take poor debtor's oath, although money be due them from United States, &c.

SEC. 2. *It is hereby further enacted,* That immediately after the words, "disposed of the same," in the oath, to be administered on such occasions, the words, "except your pension from the United States, as a military officer," (or soldier, as the case may be,) shall be inserted.

Form of oath to be administered.

SEC. 3. *It is hereby further enacted,* That an act, entitled, "an act, for the relief of military pensioners," passed, November eleventh, one thousand eight hundred and eighteen, be, and the same is, hereby, repealed.

Former act repealed.

[Passed Nov. 7, 1833.]

24.—An act, to repeal an act, requiring foreign bank stock to be given into the list.

*It is hereby enacted by the General Assembly of the State of Vermont,* That an act, entitled, "an act, directing the taxing of foreign bank stock," passed November ninth, one thousand eight hundred and thirty-one, be, and the same is, hereby, repealed.

Former act repealed.

[Passed Nov 7, 1833.]

Comp. Laws.  
Chap. 48.

25.—An act, in addition to an act, entitled, “an act, ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty.”

Lands and build-  
ings improved  
for purposes of  
education, ex-  
empt from tax-  
ation.

*It is hereby enacted by the General Assembly of the State of Vermont,* That all lands, or buildings, holden, occupied, or improved, for the purposes of education, be, and the same are, hereby, exempt from taxation. *Provided,* That nothing in this act, shall be construed to exempt said lands, or buildings, from taxation, longer than they shall be holden, occupied, or improved, for the purposes aforesaid.

Proviso.

[Passed, Nov. 7, 1833.]

Comp. Laws,  
Chap. 48.

26.—An act, in addition to, and explanation of an act, entitled, “an act, ascertaining the principles on which the list of this state shall be made, and directing listers in their office and duty,” passed November seventeenth, eighteen hundred and twenty-five.

Provisions of  
former act ex-  
tended.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the words, “merchants and traders,” used in the sixth section of the act, to which this act is an addition, shall be construed to extend to, and include all dealers in lumber, or lumber contracts, whether of manufactured or unmanufactured lumber.

Proviso.

*Provided,* This act shall not be construed to extend to those dealers in lumber, whose trade does not exceed the amount of five hundred dollars, annually.

[Passed, Nov. 7, 1833.]

27.—An act, authorizing the treasurer to borrow the sum therein stated.

Treasurer au-  
thorized to bor-  
row \$20,000.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be, and he hereby is, authorized to borrow a sum, not exceeding twenty thousand dollars, in the whole, for the purpose of defraying the expenses of government, and appropriations that are, or hereafter, may be made.

[Passed, Nov. 7, 1833.]

28.—An act, in addition to an act, entitled, “an act, authorizing the building of a state-house, at Montpelier.”

Comp. Laws,  
Chap. 75.

*It is hereby enacted by the General Assembly of the State of Vermont,* That in addition to the sum, heretofore appropriated, for the building of a state house, at Montpelier, there be, and hereby is, appropriated, the sum of twenty thousand dollars; and the treasurer of this state is, hereby, directed to pay said sum to the committee appointed to superintend the building of said state house, in pursuance of the act, to which this is an addition, out of any monies, in the treasury, not otherwise appropriated.  
[Passed Nov. 7, 1833.]

Twenty thousand dollars appropriated for state-house.

29.—An act, assessing a tax for the support of Government.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of three cents on the dollar, on the list of the polls and rateable estate of the inhabitants of this state, for the year one thousand eight hundred and thirty-three, to be paid into the treasury of this state, by the first day of June next, in money, certificates, or notes, issued by the treasurer of this state; orders drawn by the auditor of accounts against this state; or, orders drawn by, or under the direction of the supreme court or county courts.  
[Passed Nov. 6, 1833.]

Tax of three cents on dollar assessed.

How paid.

30.—An act, making appropriations for the support of Government.

**SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That a sum, not exceeding forty thousand dollars, be, and the same is, hereby, appropriated, for the purpose of paying the debentures of the Lieutenant Governor, the Council, and contingent expenses thereof; and for the debentures of the General Assembly, and the contingent expenses thereof, including the debenture of the auditor of accounts, and such salaries as are provided by law, and such sums, as are directed, by special acts of the legislature, to be paid from the treasury.

Forty thousand dollars appropriated for certain purposes.

D

Thirty thousand dollars appropriated for other purposes.

SEC. 2. *It is hereby further enacted*, That a sum not exceeding thirty thousand dollars, be, and the same is, hereby appropriated, for the purpose of paying such demands against this state, as may be allowed by the auditor of accounts, and such orders as may be drawn on the treasurer, by the supreme and county courts, and for the debentures of the Council of Censors, and the contingent expenses thereof.

[Passed Nov. 6, 1833.]

31.—An act, to annex a part of Avery's Gore to the town of Kingston.

Part of Avery's Gore annexed to Kingston.

*It is hereby enacted by the General Assembly of the State of Vermont*, That that part of Avery's Gore, in the county of Addison, bounded as follows, to wit: beginning at a hemlock tree, at the north-east corner of Kingston, thence southerly, on the west line of said Kingston, until it intersects the east line of Ripton; thence northerly, on the east line of said Ripton, to the north-east corner thereof; thence north, to Warren, south line; thence eastwardly, on said line, to the place of beginning, be, hereby, annexed to the town of Kingston, aforesaid, and henceforth, constitute a part of said Kingston.

[Passed Nov. 6, 1833.]

32.—An act, to encourage the destruction of crows, within this state.

Premium for killing crows.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That if any person shall kill, or destroy any crow, within this state, he shall receive out of the treasury of the state, as a premium for every such crow, the sum of ten cents.

Treasurer to furnish town clerks with blank certificates.

SEC. 2. *It is hereby further enacted*, That it shall be the duty of the treasurer of the state, to furnish each town clerk, of the respective towns in this state, with printed blanks of a certificate, proper to be given in such case; and any person who shall kill a crow within this state, may apply to the town clerk, within the town, in which



such person resides, with such crow, and such town clerk shall examine such person, or persons, when, where, and how, he, or they, obtained such crow, and whether the same was killed within this state; and when such town clerk shall be satisfied that such crow was killed within this state, as aforesaid, he shall give a certificate thereof, by filling and signing one of the aforesaid blanks; which certificate the treasurer of the state shall receive, and, thereupon, pay to the holder, the above premium, agreeably to the certificate given by such town clerk. And it shall be the duty of the several town clerks, in this state, upon issuing any certificate, as aforesaid, for any crow, to put a mark upon said crow, by cutting off the left wing of said crow. And the several towns, in this state, shall allow their town clerk such sum as may be reasonable, for the services, as required by this act.

Town clerk to examine, &c.

And give certificate.

Treasurer to pay, &c.

Town clerks to mark crow, &c.

Towns to allow town cl'ks, compensation.

[Passed Nov. 6, 1833.]

33.--An act, repealing an act therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That an act, entitled, "an act, to preserve fish in Hinesburgh Pond," passed November third, in the year of our Lord, one thousand eight hundred and thirty, be, and the same is, hereby, repealed. *Provided, nevertheless,* That this act shall not take effect until the first day of February next.

Former act repealed.

[Passed Nov. 7, 1833.]

34.--An act, to repeal an act therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That "an act, to preserve fish in Leicester Pond," passed November fourth, in the year of our Lord, one thousand eight hundred and thirty-one, be, and the same is, hereby, repealed.

Former act repealed.

[Passed Oct. 26, 1833.]

## RESOLUTIONS.



35

*In General Assembly, Oct. 11, 1833.*

*Resolved,* The Governor and Council concurring herein, That whenever the two Houses shall meet in joint committee, the Governor, or, in his absence, the Lieutenant Governor, shall be chairman, and the Secretary of State, or, in his absence, the Secretary of the Governor and Council, shall be clerk of said committee.

*[Concurred, Oct. 11, 1833.]*

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36

*In General Assembly, Oct. 25, 1833.*

*Resolved,* The Governor and Council concurring herein, That George T. Hodges, of Rutland, and Leander Hutchins, of Waterbury, be, and hereby are, appointed a committee, to attend at the State Prison, in the month of September next, to make an appraisal and inventory of all the property belonging to said prison; and also, to settle with the superintendant, and investigate all the accounts of said prison, and report to the next session of the Legislature.

*[Concurred, Oct. 26, 1833.]*

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37

*In General Assembly, Oct. 30, 1833.*

*Resolved,* The Governor and Council concurring herein, that our Senators in Congress, be instructed, and our Representatives in Congress, be requested, to use their efforts and influence, to procure a law to be passed, increasing the duty on foreign marble.

*[Concurred, Oct. 30, 1833.]*

38

*In General Assembly, Nov. 6, 1833.*

*Resolved*, The Governor and Council concurring herein, That Benjamin Swan, Esq. late treasurer of this state, be allowed the sum of seven hundred and thirty-two dollars, and twenty-five cents, in his account, as stated in the auditor's report, for counterfeit and uncurrent bills, taken during the thirty-three years he has held said office, and that the present treasurer be authorized to destroy said bills, and make an entry to that effect, on the treasury books.

[*Concurred, Nov. 6, 1833.*]

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39

*In General Assembly, Nov. 4, 1833.*

*Resolved*, The Governor and Council concurring herein, That two commissioners be appointed by the legislature of this state, at its present session, to repair, when thereto required, by the Governor of this state, to the town of St. Johns, in Lower Canada, and there, in conjunction with such commissioner, or commissioners, as may be appointed by the Government of Lower Canada, to ascertain, if practicable, and report to the Governor of this state, and also, to the Governor General of the British Provinces, in America, the true cause, or causes, of the overflowing of the lands, in this state, on the margin of Lake Champlain, and upon the margin of the tributary streams of said Lake, and the extent of the evils complained of; and that his Excellency, the Governor of this state, be requested to renew the correspondence with the Governor General of said British Provinces, upon the subject of the obstructions of the outlet of the waters of Lake Champlain, and to solicit, that a commissioner, or commissioners, may be appointed, on the part of that Government, to act in conjunction with the commissioners to be appointed by this legislature, as aforesaid.

*Resolved*, That Samuel C. Crafts, of Craftsbury, and Alden Partridge, of Norwich, be, and they are, hereby, appointed commissioners, in pursuance of the foregoing resolution.

[*Concurred, Nov. 7, 1833.*]

## RESOLUTIONS.

40

*In General Assembly, Oct. 31, 1833.*

*Resolved,* The Governor and Council concurring herein, That the Executive of this state be requested to signify to his Excellency the Governor of Lower Canada, and his executive officers, the sense of gratitude felt by this legislature, for their cordial and efficient exertions, in apprehending and bringing to justice, the extensive combination of forgers, and counterfeiters, of American coin and bank bills, that were located within the limits of that Province.

*[Concurred, Nov. 2, 1833.]*

41

*In General Assembly, Oct. 30, 1833.*

*Resolved.* The Governor and Council concurring herein, That the Quarter Master General, be directed to make a detailed report, to the next session of the legislature, of the number, and condition of the arms under his care, and, also, of the number of pieces of ordnance on hand, and of the number, and to whom, loaned.

*[Concurred, Oct. 30, 1833.]*

42

*In General Assembly, Oct. 25, 1833.*

*Resolved,* The Governor and Council concurring herein, That the State's Attorney within and for the county of Franklin, suspend the collection of the debt, due the state of Vermont, from Phineas Stearns, John Stearns, Henry Stearns, and E. P. Stearns, on three promissory notes, until after the next session of the General Assembly, provided, such delay, in the opinion of the said attorney, will not be prejudicial to the final collection of the aforesaid debt.

*[Concurred, Oct. 26, 1833.]***State of Vermont.**

SECRETARY OF STATE'S OFFICE, }  
MONTPELIER, NOV. 13, 1833. }

I certify that the foregoing forty-two chapters, are true copies of the original acts and resolutions, passed by the legislature of this state, on file in this office.

**TIMOTHY MERRILL,***Secretary of State.*

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**E**





# PRIVATE ACTS.

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## GRANTS OF MONEY, AND REMISSION OF DEBTS DUE THE STATE.

- 1.—An act, directing the treasurer of this state to pay the Rev. Tobias Spicer the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state, be, and he is hereby directed to pay the Rev. Tobias Spicer the sum of thirty dollars, out of any monies in the treasury not otherwise appropriated, it being for his services in preaching the election sermon, and acting as chaplain of this legislature. Rev. Tobias Spicer \$30.00.

[Passed, Oct. 14, 1833.]

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- 2.—An act, directing the treasurer to pay Daniel Mallary and Harris Hosford, the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state, be, and hereby is, directed to pay Daniel Mallary and Harris Hosford, the sum of fifteen dollars, out of any monies in the treasury not otherwise appropriated; it being for publishing the laws of this state, for the year one thousand eight hundred and twenty-nine, in the Northern Spectator, printed at Poultney. Daniel Mallary & Harris Hosford, \$15.00.

[Passed, Nov. 7, 1833.]

- 3.—An act, directing the treasurer to pay Augustus Young the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be, and hereby is, directed to pay to Augustus Young, the sum of thirty-six dollars and eighty-five cents, out of any monies not otherwise appropriated; it being for services performed as Judge Advocate of a court martial, and for compiling the laws of this state, relating to highways.  
[Passed Nov. 4, 1833.]

Augustus  
Young, \$36.85.

- 
- 4.—An act, directing the treasurer to pay Gilman Huntley the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be, and hereby is, directed to pay to Gilman Huntley, the sum of sixteen dollars, and thirty-four cents, out of any monies not otherwise appropriated; it being for services performed as constable, under the authority of this state.  
[Passed Nov. 2, 1833.]

Gilman Hunt-  
ley, \$16.34

- 
- 5.—An act, directing the treasurer of this state to pay Milton Brown the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be, and he hereby is, directed to pay Milton Brown, the sum of forty three dollars, and forty-three cents, out of any money in the treasury not otherwise appropriated; it being for services rendered this state, as a sheriff, and for orders which he had against this state, which have been lost.  
[Passed Oct. 29, 1833.]

Milton Brown,  
\$43.43.

- 
- 6.—An act, for the relief of Allen T. Beach.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the state's attorney, within and for the

county of Chittenden, be, and hereby is, authorized to discharge a judgment, in favor of the treasurer of the state of Vermont, against Allen T. Beach, and Homer Beach, by their paying, or securing to be paid, one hundred dollars, and the cost in said judgment.

State's Attorney of Chittenden county authorized to discharge a certain judgment.

[Passed Oct. 29, 1833.]

7.—An act, directing the treasurer to pay Joseph Howes the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be directed to pay Joseph Howes, the sum of one hundred five dollars and thirty cents, out of any money in the treasury not otherwise appropriated; it being for his services and expenses, as surveyor of public buildings.

Joseph Howes, \$105.30.

[Passed Nov. 7, 1833.]

8.—An act, compensating the Superintendent of the Vermont State Prison.

*It is hereby enacted by the General Assembly of the State of Vermont,* That John H. Cotton, be, and he hereby is, allowed to credit himself upon the books of the State Prison, the sum of eight hundred and fifty dollars; it being for services and expenses, as superintendent of the State Prison, for the year ending on the first day of December, one thousand eight hundred and thirty-three.

John H. Cotton allowed to credit himself \$350.00.

[Passed, Oct. 26, 1833.]

9.—An act, directing the treasurer to pay James Davis the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer be directed to pay James Davis, out of any monies, in the treasury, not otherwise appropriated, the sum of thirteen hundred and sixty-five dollars, and forty-five cents; it being for preparing, and

James Davis, \$1365.45.

procuring to be printed, and bound, five hundred copies of the fourth volume of reports and decisions of the supreme court.

[Passed Oct. 25, 1833.]

- 10.—An act, directing the treasurer of this state to pay Joel Doolittle the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state, be, and hereby is, directed, to pay to Joel Doolittle, the sum of three hundred and eighty-seven dollars; it being for extra services performed, while judge of the supreme court.

[Passed Oct. 25, 1833.]

- 11.—An act, for the relief of Rachel Evens.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the state's attorney, within, and for the county of Orange, be, and hereby is, authorized, to discharge a judgment in favor of the treasurer of the state of Vermont, against Rachel Evens, as bail for her son, Major G. Evens.

[Passed Oct. 24, 1833.]

- 12.—An act, for the relief of Philip Bemis, jun.

*It is hereby enacted by the General Assembly of the State of Vermont,* That a note in favor of the treasurer of the state of Vermont, against Philip Bemis, jun. of Brookline, in the county of Windham, for the sum of one hundred and one dollars and ten cents, dated the nineteenth day of September, A. D. one thousand eight hundred and thirty-two, payable on demand, with interest, be, and the same is hereby remitted to the said Philip Bemis, jun.

[Passed Oct. 24, 1833.]

- 13.—An act, directing the treasurer to pay the bank commissioners the sums therein named.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state, be directed to pay out of the bank fund, the sum of seventy-two dollars to Harry Hale, the sum of sixty-four dollars to Stephen Haight, and the sum of fifty-two dollars to Alexander S. Campbell; it being for their services, the year past, as Bank Commissioners.

Harry Hale,  
\$72.00.

Stephen Haight  
64.00.

Alex. S. Camp-  
bell, 52.00.

[Passed Oct. 22, 1833.]

- 14.—An act, directing the treasurer to pay Edward Donally the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state be, and he hereby is, directed to pay Edward Donally the sum of twenty-five dollars, out of any money in the treasury not otherwise appropriated; it being to refund, in part, a sum paid by him for a pedler's license, the use of which, he was deprived by misfortune.

Edward Don-  
ally, \$25.00

[Passed Nov. 7, 1833.]

- 15.—An act, directing the treasurer to pay Eunice Hutchinson, the sum therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the treasurer of this state, be, and is hereby directed to pay Eunice Hutchinson the sum of forty dollars, out of any money in the treasury not otherwise appropriated; and the further sum of forty dollars, annually, for the term of four years; her husband having been recently killed, by a stone, thrown by the blasting of rocks, in preparing the scite for a new state house.

Eunice Hutch-  
inson, \$40 00.  
and \$40.00. for  
four years.

[Passed Nov. 7, 1833.]

## LAND AND COUNTY TAXES.

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16.—An act, laying a tax on the lands in Salem.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents, on each acre of land in the town of Salem, in the county of Orleans, lands sequestered to public, pious and charitable uses excepted, for the purpose of making, and repairing roads, and building bridges in said town; to be expended under the direction of Benjamin Hinman, of Derby, Calvin S. Grow, and Nathaniel Cobb, of Salem, who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace, for the county of Orleans, is hereby authorized to issue his warrant to Josiah Lyon, of Salem, who is hereby appointed a collector, to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves in all things, by the general statutes of this state in such case made and provided.

Tax of four cts. assessed.

Committee.

Collector.

[Passed Oct. 23, 1833.]

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17.—An act, laying a tax on the lands in Belvidere.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents, on each acre of land in the town of Belvidere, in the county of Franklin, lands sequestered to public, pious, and charitable uses excepted, for the purpose of making and repairing roads, and building bridges in said town; to be expended under the direction of Alva Chaffee, John S. Carpenter, of Belvidere, and Luther H. Brown, of Eden, in the county of Orleans, who are hereby appointed a committee to superintend the expenditure of said tax; fifty dollars of said tax to be laid out

Tax of four cts. assessed.

Committee.

How expended.

in making and repairing roads, on the north side of the branch, so called, in district number second; one half of the remainder to be laid out in making and repairing the main roads, leading through the town, from Waterville line to Eden line, and Avery's Gore line; the other remaining half to be laid out in making new roads for the benefit of new settlements; to be laid out by Luther H. Brown, of Eden, and Abner Flanders, of Hydepark, who are hereby appointed a committee to lay out said new roads; and in case the committee, appointed to lay out said new roads, do not lay out said roads previous to the 15th day of June next, the committee appointed to superintend the expenditure of said tax, is hereby authorized to expend the said remaining half of said tax on the roads in said town. And any justice of the peace for the county of Franklin, is hereby authorized to issue his warrant to Stickney Hodgkins, of Belvidere, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending and accounting for the monies to be raised by said tax, to govern themselves in all things, by the general statutes of this state in such case made and provided.

[Passed, Nov. 7, 1833.]

18.—Act laying a tax on the lands in Mendon.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Mendon, in the county of Rutland,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads, and building bridges, in said town; to be expended under the direction of George Perry, Samuel Caldwell, and John Griggs, all of Mendon, who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace for the county of Rutland, is hereby authorized to issue his warrant to Draper Ruggles, of Mendon, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending and accounting, for the monies to be raised by said tax, to govern themselves in all

things, by the general statutes of this state in such case made and provided.

[Passed Nov. 7, 1833.]

19.—An act laying a tax on the lands in Glover.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Glover, in the county of Orleans,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads, and building bridges, in said town; to be expended under the direction of Dan Gray, Nathaniel French, and Charles Cutler, all of said Glover, who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace, for the county of Orleans, is hereby authorized to issue his warrant to Daniel Bates, of said Glover, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the moneys to be raised by said tax, to govern themselves in all things, by the general statutes of this state in such case made and provided.

(Passed Nov. 4, 1833.)

20.—An act laying a tax on the lands in Sheffield.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Sheffield, in the county of Caledonia,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town; to be expended under the direction of Joseph H. Ingalls, of Lyndon, King Hill, and Ezekiel Miles, of Sheffield, who are hereby appointed a committee to superintend the expenditure of said tax; and any justice of the peace for the county of Caledonia, is hereby authorized to issue his warrant to Moses Davis,



of Sheffield, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending and accounting for the monies to be raised by said tax, to govern themselves in all things, by the general statutes of this state in such case made and provided.

(Passed, Nov. 2, 1833.)

21.—An act laying a tax on the lands in Ripton.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents per acre, on all the lands in the town of Ripton, in the county of Addison,—lands sequestered to public, pious, or charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town; to be expended under the direction of James Kirby, Lewis Huntley, and Harry Downer, all of said Ripton, who are hereby appointed a committee to superintend the expenditure of said tax; and the said committee, in the expenditure of said tax, are hereby directed to make a road from the road leading from the turnpike to James Miles', northerly, until it intersect the present road running through the west part of the town to Avery's Gore. And also, one other road from the turnpike, southerly, through the east part of the town, to the south line of the town, or until it shall intersect the present road, running through the west part of the town, from the turnpike to Goshen; the remainder of said tax to be expended in making and repairing roads and building bridges, in other parts of the town, at the discretion of said committee; except that no part of said tax shall be expended in repairing either of the following roads, to wit: from the turnpike, eastwardly, to the house of James Miles; from the turnpike, northerly, to the house of James Kirby; from the turnpike, eastwardly, to the house of German M. Warner; from the turnpike, northerly, to the house of Luman Cogswell; and any justice of the peace, for the county of Addison, is hereby authorized to issue his warrant to Daniel Chipman, of said Ripton, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the mon-

Tax of four cts.  
assessed.

Committee.

How expended.

Collector.

ies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

[Passed Nov. 2, 1833.]

22.—An act laying a tax on the lands in Mount Tabor.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Mount Tabor, in the county of Rutland,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town; to be expended under the direction of Samuel Foster, Silas Hathorn, of Mt. Tabor, and Daniel Upham, of Danby, in said county, who are hereby appointed a committee to superintend the expenditure of said tax; who are directed to expend said tax on the road leading from Danby, in said county, through said Mount Tabor, to Weston, in the county of Windsor. And any justice of the peace, for the county of Rutland, is hereby authorized to issue his warrant to Gideon S. Tabor, of Mount Tabor, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state, in such case made and provided.

[Passed Oct. 29, 1833.]

23.—An act laying a tax on the lands in Maidstone.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Maidstone, in the county of Essex,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads, and building bridges, in said town; to be expended under the direction of Simon Smith, jr. John C. Walker, and Rich Stevens, all of Maid-

stone aforesaid ; who are hereby appointed a committee to superintend the expenditure of said tax ; one half of said tax to be laid out on the river road through said town, and the other half on other roads, in town, at the discretion of the committee. And any justice of the peace, for the county of Essex, is hereby authorized to issue his warrant to William Rich, of Maidstone, who is hereby appointed a collector to collect said tax ; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

Collector.

[Passed Oct. 29, 1833.]

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24.—An act laying a tax on the lands in Northfield.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Northfield, in the county of Washington,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town ; to be expended under the direction of Amos Robinson, Charles Paine, and Joseph Williams, all of said Northfield, who are hereby appointed a committee to superintend the expenditure of said tax. And any justice of the peace, for the county of Washington, is hereby authorized to issue his warrant to Moses Robinson, of Northfield, who is hereby appointed a collector to collect said tax ; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

Tax assessed.

Committee.

Collector.

[Passed Oct. 26, 1833.]

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25.—An act laying a tax on the lands in Westmore.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of three cents on each acre of land in the town of

Tax assessed.

Westmore, in the county of Orleans,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads, and building bridges, in said town; to be expended under the direction of Isaac Denison, of Burke, in the county of Caledonia, Jon C. Page, and Job Drown, of said Westmore, who are hereby appointed a committee to superintend the expenditure of said tax; and said committee are hereby required, in the expenditure of said tax, to lay out one hundred dollars in repairing the old road, extending through the north east corner of said town, and running from Newark to Charleston; and the remainder of said tax to be otherwise appropriated at the discretion of the committee. And any justice of the peace, for the county of Orleans, is hereby authorized to issue his warrant to Lucius Denison, of Burke, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

[Passed Oct. 30, 1833.]

26.—An act laying a tax on the lands in Guildhall.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Guildhall, in the county of Essex,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads, and building bridges, in said town; to be expended under the direction of Josiah B. Hall, William Amy, and Azel B. Howe, all of said Guildhall, who are hereby appointed a committee to superintend the expenditure of said tax; not less than one third of which, shall be laid out on the Granby road, so called; and not less than one third on the river road through said town. And any justice of the peace, for the county of Essex, is hereby authorized to issue his warrant to Otis Wallace, of Guildhall, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the moneys to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

[Passed Oct. 26, 1833.]

## 27.—An act laying a tax on the lands in Searsburgh.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Searsburgh, in the county of Bennington,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town; to be expended under the direction of Joseph Eams, Joseph Crosier, and John Knapp, all of said Searsburgh, who are hereby appointed a committee to superintend the expenditure of said tax. And any justice of the peace, for the county of Bennington, is hereby authorized to issue his warrant to Luther Park, of Searsburgh, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

Tax assessed.

Committee.

Collector.

[Passed, Oct. 25, 1833.]

## 28.—An act laying a tax on the lands in Berkshire.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of five cents on each acre of land in the town of Berkshire, in the county of Franklin,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads, and building bridges, in said town; to be expended under the direction of Cromwell Bowen, Perley Hall, and David Coburn, of Berkshire, who are hereby appointed a committee to superintend the expenditure of said tax. And any justice of the peace, for the county of Franklin, is hereby authorized to issue his warrant to Pascal P. Levens, of Berkshire, aforesaid, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

Tax assessed

Committee.

Collector.

[Passed Oct, 24, 1833.]

## 29.—An act laying a tax on the lands in Wolcott.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents, on each acre of land in the town of Wolcott, in the county of Orleans,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town; to be expended under the direction of Thomas Taylor, Joseph Bailey, and Hezekiah Guyer, all of said Wolcott, who are hereby appointed a committee to superintend the expenditure of said tax; one fourth part of said tax to be expended on the main roads; the other three fourth part to make and repair new and cross roads and bridges, for the benefit of new settlers. And any justice of the peace, for the county of Orleans, is hereby authorized to issue his warrant to Ebenezer Taylor, of Wolcott, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the moneys to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

[Passed Oct 24, 1833.]

## 30.—An act laying a tax on the lands in Charleston.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of four cents on each acre of land in the town of Charleston, in the county of Orleans,—lands sequestered to public, pious, and charitable uses, excepted,—for the purpose of making and repairing roads and building bridges, in said town; to be expended under the direction of Hilton Brackett, Alvah Stacy, and Tyler Bingham, all of Charleston, who are hereby appointed a committee to superintend the expenditure of said tax. And any justice of the peace, for the county of Orleans, is hereby authorized to issue his warrant to Silas Gaskill, of Charleston, who is hereby appointed a collector to collect said tax; and said committee and collector are hereby directed, in collecting, expending, and accounting for the monies to be raised by said tax, to govern themselves, in all things, by the general statutes of this state in such case made and provided.

[Passed, Oct. 23, 1833.]

31.—An act assessing a tax on the county of Essex.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, assessed a tax of one cent on the dollar, on the polls and rateable estates of the inhabitants of the county of Essex, on the list of the present year, for the purpose of paying the debts of said county; to be paid in money, or in orders drawn by order of the county court of said county: to be collected and paid into the treasury of said county, on or before the first day of June next. And the treasurer of said county shall have the same power to issue warrants and extents, for the collection of said tax, as is given by law to the state's treasurer, in collecting state taxes,—and the first constables of the several towns in said county, are empowered to proceed in the collection of said tax, in the same manner as they are empowered to do in the collection of state taxes; and are liable to the same remedies and penalties for neglect, as in case of neglect in collecting state taxes.

Tax of one cent on the dollar on list of Essex county.  
Treasurer to issue his warrant &c. in same manner as treasurer of state.  
Duty and liability of constable.

[Passed Nov. 6, 1833.]

32.—An act, to revive an act, entitled, "an act laying a tax on the lands in Lemington," passed November first, in the year of our Lord one thousand eight hundred and thirty-two.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the act aforesaid, be, and hereby is, revived; and that the time allowed for the collection and expenditure of said tax, and for all other purposes, shall be the same as though said act had been passed at the present session of the legislature.

Act of 1822 revived.

SEC. 2. *It is hereby further enacted,* That instead of the committee appointed by the act, aforesaid, to superintend the expenditure of said tax, Mills De Forest, Stephen Harris, and Robert Buckman, all of Lemington, be, and they are hereby appointed a committee for the purpose aforesaid; and any justice of the peace, for the county of Essex, is hereby authorized to issue his warrant to Noyes Denison, of Lemington, who is hereby appointed a collector to collect said tax, instead of the collector appointed by said act.

Committee.  
Collector.

[Passed Oct. 29, 1833.]

## INCORPORATIONS.

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33.—An act, to incorporate the Otter Creek and Champlain Canal Company.

Commissioners  
to receive sub-  
scriptions.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That subscription books for the capital stock of *The Otter Creek and Champlain Canal Company*, shall be opened within three months, after the passing of this act, by Thomas D. Hammond, of Orwell, John Conant and Moses Cowen, of Brandon, Anderson G. Dana, of Pittsford, Ebenezer N. Briggs, of Salisbury, and Jonathan Hagar, Eliakim H. Johnson, and Rufus Wainwright, of Middlebury, in the state of Vermont, or any three or more of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places, as they, or a majority of them, may direct, giving notice thereof at least thirty days prior to the opening of said books, by publishing the same in one or more of the public newspapers, printed in such place, or places, as they may think proper.

Otter creek and  
champlain canal  
company  
incorporated.

Powers of cor-  
poration.

Sums to be paid  
on each share  
at the time of  
subscribing

SEC. 2. *It is hereby further enacted,* That the capital stock of the said company shall be one hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each; and that when fifteen hundred shares are subscribed for, the persons holding the same, shall be, and they are, hereby, incorporated into a company, by the name of *The Otter Creek and Champlain Canal Company*, and by that name shall be capable of purchasing, or otherwise receiving, holding and conveying, real and personal estate; shall have perpetual succession, and power to make and use a common seal, and by said corporate name may sue and be sued; and shall have, enjoy, and exercise all the rights, powers and privileges, pertaining to corporate bodies, and necessary to carry the objects of this act into effect.

SEC. 3. *It is hereby further enacted,* That at the time of subscribing for the said stock, three dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of the company, as soon as one shall be



appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall, from time to time, direct, and give public notice of, which notice shall be by publication, in at least three of the newspapers published in the counties of Rutland and Addison, in this state; and upon failure of payment thereof, as so directed, the President and directors shall have power to declare the shares of each and every person, so failing to pay said instalments, or any of them, to be forfeited; and the same shall, thereupon, become forfeited, to and for the use of the said company. *Provided*, That if the number of shares, subscribed for, shall exceed the number of shares authorized by this act, the said commissioners shall apportion the said stock among such subscribers, as near as may be, in proportion to the amount, or number of shares, by them subscribed for, as aforesaid. *Provided however*, That no subscription for less than five shares, shall be reduced by such apportionment; and that no subscription shall be thereby reduced below five shares.

Residue how  
and when paid.

Upon failure of  
payment, for-  
feited.

Proviso.

Shares to be  
apportioned a-  
mong subscri-  
bers.

SEC. 4. *It is hereby further enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed within one year from the time of opening the subscription books, this act, and all the subscriptions under it, shall be null and void; and the commissioners, after deducting therefrom, the expenses incurred, shall return the residue of the money paid in, to the respective subscribers, or their representatives, in proportion to the sums paid by them.

If the number  
of shares re-  
quired be not  
subscribed in  
one year, this  
act to cease,  
&c.

SEC. 5. *It is hereby further enacted*, That when fifteen hundred shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least thirty days notice of the time and place of said meeting, as herein before directed, with regard to opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall, thereupon, proceed to elect, by ballot, seven directors, a majority of whom, shall be citizens of this state, to manage the affairs of the said company, for one year, of which election the said commissioners, or a majority of them, shall be judges; and that, at the expiration of that time, and annually, thereafter, upon the like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, a majority of whom shall be citizens of this state, aforesaid; and that, at any such election, and in all

First meeting  
of stockhold-  
ers.

Directors how  
chosen.

Each share shall entitle holder to one vote.

other cases, in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder, or holders thereof, either in person, or by proxy.

Directors shall appoint a president.

SEC. 6. *It is hereby further enacted,* That within twenty days after their annual election, as aforesaid, the said directors shall elect a president of the said company, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services, as a majority of the said directors shall direct; and shall be the presiding officer at all meetings of the said directors, and have the casting vote, when they shall be equally divided. He shall have charge of the seal of the company, and shall appoint the judge, or judges, of all elections of the stockholders; and in case of his absence or inability, the said directors shall appoint some other suitable person, who shall, for the time being, possess the same power and authority, and perform all the duties herein prescribed.

Powers and duties of president.

Powers and duties of directors.

SEC. 7. *It is hereby further enacted,* That the said directors, or a majority of them, may supply any vacancy, occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act of any president or director; and may appoint a secretary, treasurer, and all other officers, engineers, agents, superintendents and servants that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them, such security, for the due performance of their respective trusts as they may deem expedient. They shall have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances, and by-laws as they may think expedient, for regulating the transfers of stock, and for the general government of the company, and management of its affairs; provided, the same are not repugnant to the constitution or laws of this state, or of the United States.

May make by-laws.

Proviso.

President and directors to make statement of the affairs of company at the annual meetings.

SEC. 8. *It is hereby further enacted,* That at the annual meetings of the stockholders, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders, a full and complete statement of the affairs of the company during the said term.

Special meetings how called.

SEC. 9. *It is hereby further enacted,* That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders, owning one fourth part of the whole stock of the company, by giving notice of the time and place of holding the

same, as is herein before directed, with regard to the annual meetings; which said notice shall specify the particular object of the meeting; but no business of the company shall be transacted, at such special meetings, unless a majority, in value, of the stockholders, attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company, to be exhibited to them by the president and directors.

SEC. 10. *It is hereby further enacted,* That if, from any cause, any election, provided for in this act shall not be had at the time herein specified, the same may be made at any other time, on notice, as aforesaid; and that until such election is had, the officers for the preceding year, shall continue to hold their respective offices, until others are elected in their stead; and that the charter shall not be defeated or avoided, by reason of the irregularity or want of such election.

SEC. 11. *It is hereby further enacted,* That it shall be lawful for the said canal company to construct a canal or artificial navigation, from the waters of Otter creek, between Sutherland's Falls and Middlebury Falls, to the waters of Lake Champlain; and to improve the navigation of said Creek, between the Falls aforesaid; which canal shall be, at least, forty feet wide at the water line, and the water therein shall be, at least, four feet deep throughout. And it shall be lawful for the said company to construct, make, and execute all the locks, works, devices, wharves, toll-houses and offices, necessary in the construction and use of said canal; and by the president and directors, and by any agent, engineer, superintendent or contractor, employed in the service of said company, to enter from time to time, and at all times, upon all lands, for the purpose of exploring or surveying the route for said canal, and locating the several works, as above specified, paying to the owner, or occupant thereof, all damages occasioned by such entry, to be assessed in the manner prescribed in the twelfth section of this act. And when the said route shall have been fixed upon, and its several works located by the president and directors, or a majority of them, and a survey thereof, signed by the said president and directors, or a majority of them, shall have been recorded in the town clerk's office, of each of the towns through which said route shall pass, then it shall be lawful for them, and for any agent, superintendent, engineer, contractor, or any person employed in the service of said corporation, at any

This act not to be avoided by failure to make elections at time specified.

Powers and duties of corporation, in the construction of canal.

May erect houses, &c.

May enter upon and take possession of lands for the purpose of surveying and constructing canal.

time, to enter upon, take possession of, and use, all, and singular, such lands subject to such compensation therefor, as is hereinafter directed.

Proceedings in case the owner of lands and corporation cannot agree in relation to damage sustained by owner of land.

Judge of sup. court to appoint commissioners to appraise damage to owner of lands.

Commissioners to give notice to owner.

Notice how given, if owner resides out of this state.

Commissioners to make their award in writing.

SEC. 12. *It is hereby further enacted,* That when the said company, or its agents, cannot agree with the owner, or owners, of such required lands, for the use or purchase thereof, and the doings to be sustained by such owner or owners; or when by reason of the legal incapacity, or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required, and also the name, or names, of the occupant or occupants, and of the owner or owners, and their residence, shall be given, in writing, under the hand of the president of said company, for the time being, to one of the judges of the supreme court of this state, not being a stockholder, in said company, who shall, thereupon, appoint three judicious and disinterested men, commissioners to examine the said lands, and determine the damages to which the owner, or owners thereof, will be subjected, by reason of the occupancy of the same, by the said corporation, for the purposes of this act; which appointment of said commissioners shall be by writing, under the hand of said judge, therein particularly setting forth a description of the lands to be examined by said commissioners, and the name or names, of the occupant or occupants, and owner, or owners thereof, and their residence. And it shall be the duty of the said commissioners to give to the owner, or owners, of such lands, fifteen days notice of the time and place, of such appraisalment; which notice shall be, by the delivery to such owner, or owners, or leaving at his, her, or their usual place of abode, as is provided, in the service of summons by some officer, authorized to serve legal process, a true and attested copy of a notice, under the hands of said commissioners, or the hand of some one of them, therein describing the lands of such owner, or owners, which are to be made the subject of such appraisalment; and in case the owner, or owners, of any such lands reside without this state, then such notice shall be given by publication thereof, three weeks successively, in some newspaper printed in Middlebury, in the county of Addison, the last of which publications shall be, at least, fifteen days previous to the time set for such appraisalment. And it shall be the duty of said commissioners, after such appraisalment, in making which, due regard shall be had to the benefit that will result from the canal to such owner, or owners, to deliver to the said

corporation, their award, in writing, of the damages, which shall be assessed by them, in pursuance of their commission; which commission, with a description of the lands appraised under it, shall be fully set forth, in such award; which award, the said corporation shall cause to be recorded, within thirty days from the date thereof, in the clerk's office, of the town, where such lands may lie. And upon the payment, by the said corporation, to the owner, or owners of such lands, of the damage, if any, awarded by said commissioners; or, upon said corporation depositing to the credit of such owner, or owners, in the bank of Middlebury, the amount of such damages, and notice, in writing, being given, by said bank, to such owner, or owners, of such deposit, the said corporation shall be deemed to be seized and possessed of all such lands, as shall have been appraised, by said commissioners, as aforesaid. *Provided nevertheless, and it is hereby further enacted,* That if the owner, or owners, of any such lands, shall be married women, infants, idiots, or insane, or shall reside out of this state, then, and in such case, the said corporation shall be deemed to be seized and possessed of such lands, of said last mentioned owners, immediately upon the completion and recording of the appraisal, as aforesaid; and payment of the damages, in the cases last mentioned, shall be made to the last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with interest, at the rate of six per centum, per annum; which said amount and interest, shall constitute a specific lien, in the nature of a mortgage, on the real estate of said corporation, and shall have a preference to any other demand, against said corporation. And the said commissioners shall be allowed and paid, by said corporation, three dollars each per day, while employed in making the appraisement aforesaid.

Award to be recorded in town clerk's office.

Corporation to be deemed seized of the lands upon payment of sum awarded.

Also, in case owner is a married woman, idiot, &c.

Sum awarded to constitute a lien on real estate of corporation.

SEC. 13. *It is hereby further enacted,* That should the corporation, or any owner or owners of land, appraised, as aforesaid, feel themselves aggrieved by such appraisal, either party may, within twenty days from the making of such appraisal, or from the removal of the disabilities, in the preceding section mentioned, or the return of such non-resident into this state, appeal to the county court, of the county in which such lands may lie, giving to the opposite party twelve days notice, in writing, of such appeal. And the party appealing shall file, in court, a copy, attested by one or more of said commissioners, of their said commission and appraisal; and the said court are,

Owners may appeal to county court

Must give 12 days notice to opposite party, &c.

Decision of c'r  
to be final.

Court may tax  
cost.

Proviso.

hereby, authorized to hear and determine the question of damages, aforesaid, and their decision shall be final and conclusive between the parties; and they may tax cost for, or against, either party, as they shall judge just and equitable, and issue execution therefor. *Provided*, That such appeal shall not prevent said company from taking possession of the lands, concerning which such appeal shall be made. And in case of such appeal, the amount awarded by said court, shall constitute a lien upon the real estate of the company, as provided in the last preceding section of this act.

Corporation  
may enter upon  
roads contigu-  
ous to the route  
of canal, and  
carry away  
stone, earth,  
&c., making  
fair compensa-  
tion to owners.

SEC. 14. *It is hereby further enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, laborers, and other person, or persons, by them employed, with carts, waggons, and other carriages, to enter upon all lands, contiguous or near to the route, or track of the canal, doing as little damage thereto, as possible, repairing any breaches they may make, in the enclosures thereof; and to take, and carry away any stone, gravel, clay, sand, earth, or other materials, being most conveniently situated, and most suitable for making or repairing said canal, or the locks and other devices before mentioned, thereto belonging; the owner, or owners, of said land, being entitled to a fair compensation for such materials taken, or damages done, if claimed within twelve months, from the time of such damage sustained, or materials taken away. And in case of disagreement, as to the amount of such damage sustained, or value of materials taken away, it shall be lawful for either party to apply to one of the judges of the county court, in the county in which such damages shall be sustained, or materials taken. And in case all the said judges shall be interested in said court, then to some disinterested justice of the peace of such county, whose duty it shall be to appoint three judicious and disinterested men, to determine the compensation for such materials taken, or damage done. And the said appraisers shall give to the party, other than the one making application for such appraisal, the same notice of the time and place of their meeting to make such appraisal, as is provided in the twelfth section of this act. And the said appraisers shall proceed at the time and place, specified in such notice, to view and examine the premises, and make an appraisement under their hands, or the hands of a majority of them, and lodge the same in the office of the clerk of the county court of the county, in which such materials shall be taken, or damage done;

Damage to ow-  
ners to be ap-  
praised, and ap-  
praisers how  
chosen.

Duty of apprai-  
sers.

which said appraisement shall be conclusive evidence of the value of the said materials, and the amount of damages sustained, by such owner, or owners, of lands, in any suit to be brought therefor. And every such owner, or owners, of said land, having first made demand of said company, for the amount of said appraisement, may sue for and recover the same, by action of debt, with costs of suit.

Their appraisement shall be conclusive.

Owner may recover amount of appraisement with cost.

SEC. 15. *It is hereby further enacted*, That whenever it shall be necessary, in the construction of said canal, to intersect or cross any stream of water, or water courses, or any road, or highway, it shall be lawful for said corporation to construct said canal across, or upon the same. *Provided*, That said corporation shall restore the stream, water course, road, or highway, thus intersected, to its former state, so far as not to have impaired its usefulness; which shall be done to the acceptance of the selectmen of the town, where the same is situated, or, in case of their refusal, being interested in said cause, to the acceptance of three judicious and disinterested men, to be appointed by any disinterested justice of the peace of the county, to which such town belongs. And whenever the said canal shall intersect the farm, or lands, of any individual, it shall be the duty of the company to construct and keep in repair, such good and sufficient bridges across said canal, as shall be determined by the selectmen of the town, in which such farm or land are situated, if disinterested, and if not, by three disinterested men, appointed as above provided.

Corporation may construct canal across any stream of water, or highway.

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Corporation shall restore said stream or highway, to its former state.

Which shall be done to the acceptance of selectmen, or a disinterested committee, to be appointed by justice peace.

Whenever canal shall intersect the farm of any individual, corporation shall construct and keep in repair bridges.

SEC. 16. *It is hereby further enacted*, That it shall be lawful for the company, hereby incorporated, from time to time, to fix and establish the tolls and charges, by them to be received for the transportation of property, or persons, on the said canal. *Provided, however*, That the supreme court, at any stated session, to be holden in the county of Addison, on application of any ten freeholders, in any town adjoining, or through which said Otter Creek, or said canal may pass, may alter the rate, or rates, of toll upon said canal, and may establish the same for a term of time, not exceeding three years, at any one time, and in such manner as not to reduce the receipts of said company, from its tolls, to an amount less than twelve per centum, per annum, on the amount of the capital stock, and all the charges and expenses of said company.

Corporation may establish tolls.

Proviso.

Supreme court may alter rate of tolls.

SEC. 17. *It is hereby further enacted*, That the said canal, and the works to be erected thereon, in virtue of

Canal to be considered public highway.

this act, when so far completed as to be used, shall be esteemed a public highway, free for the transportation of passengers, or any goods, commodities, or produce whatever, on payment of the established tolls.

Corporation to keep exposed to view a sign with rates of toll,

SEC. 18. *It is hereby further enacted,* That the said corporation shall keep constantly exposed to view, at all places where they shall have toll houses, and at public places, where they may receive passengers, or freight, a sign, or hand bill, with the rates of toll legibly written or printed thereon.

Person wilfully closing canal any double gates to closing any.

SEC. 19. *It is hereby further enacted,* That if any person, or persons, shall, in any manner, wilfully or maliciously, destroy, injure, or obstruct said canal, or any of its parts or works, therewith connected; or unnecessarily and maliciously open any gates thereon, he, she, or they, shall forfeit and pay to the said company, double the amount of damages, sustained by means of such offence, or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt; and shall, also, be liable to be indicted by the grand jury, in the county where the offence shall have been committed, and punished as for a misdemeanor.

And shall be liable to be indicted therefor.

Shares to be deemed personal property.

SEC. 20. *It is hereby further enacted,* That the shares in said company shall be deemed personal property, and shall be transferable, in such manner as the said corporation shall, by their by-laws, direct. And when any share or shares, shall be attached on mesne process, the officer serving the same, shall leave with the secretary or clerk of said corporation, an attested copy of such process, with his doings thereon; and such share or shares, may be taken and sold on execution, in the same manner, as is, or may be, provided for the sale of other personal estate, the purchaser causing an attested copy of the execution, and the officer's return thereon, to be left with the secretary, or clerk of said corporation, within twenty days after such sale, and paying for recording the same; which shall pass to the purchaser, all the right of the stockholder, for whose debt the same was sold, in such share, or shares. And whenever any officer, duly authorized therefor, shall appear at the office of the secretary, or clerk, of said corporation, for the purpose of making an attachment of any share, or shares, in said corporation, owned by any debtor; or for the purpose of levying execution thereon, it shall be the duty of the secretary, or clerk, to produce to such officer, the books of said corporation, so far as to enable him to ascertain the number of shares owned by such debtor, and to give to such officer a

Manner of serving mesne process, on shares.

Shares may be sold on execution.

Duty of secretary or clerk to produce books of corporation.



certificate under his hand, in his official capacity, certifying the number of shares owned by such debtor, with the dividends due thereon, and the lien of the corporation on such share or shares.

SEC. 21. *It is hereby further enacted,* That it shall be lawful for said company to take and use, for the purpose of feeding said canal, any stream or spring of water, and to enter upon and excavate any lands, for the purpose of conducting the water of such stream, or spring, to said canal; and the same proceedings shall be had, in determining the damage to be paid, by said company, to the person, or persons, interested in such waters, or in the lands excavated, for the purpose of conducting the same, as aforesaid, as are provided for the assessment of damages, in the fourteenth section of this act.

Corporation may take and use any stream of water to feed canal.

Damage to owner of land, how appraised.

SEC. 22. *It is hereby further enacted,* That it shall be lawful for said company to make, and construct upon the banks of Otter Creek, between Sutherland's Falls, and Middlebury Falls, aforesaid, for the purpose of aiding in the navigation of the same, a tow path of such width, as they may deem proper, and to enter upon, and use and occupy all such lands, as shall be necessary for the construction of such tow-path, subject to a just compensation to the owner, or owners, of such lands; which compensation, in case the owner, or owners, and the company shall not agree upon the same, shall be determined in the manner, provided in the twelfth section of this act. And the company shall have the same power to enter upon the lands, contiguous to said Creek, for the purpose of obtaining materials, for the construction or repair, of such tow path; and the damages thereby occasioned to the owner, or owners, of such lands, shall be determined in the same manner as is provided in the fourteenth section of this act. And the said company shall have the same power to determine the rates of toll, for passing upon said tow path, as is provided in the sixteenth section of this act, subject to the same supervision, by the supreme court, as is contemplated in the provision to said section.

Company may construct tow path and occupy lands necessary therefor.

Shall make compensation therefor.

Company may fix rates of toll for passing on tow path.

Subject to supervision of supreme court.

SEC. 23. *It is hereby further enacted,* That the provisions of the fifteenth section of this act; and also, the provisions of the nineteenth section of this act, shall be extended to the tow path, on said Creek.

Provisions of 15th and 19th sec. extended to tow path.

SEC. 24. *It is hereby further enacted,* That this act be, and hereby is, declared to be a public act. *Provided,* That any future legislature may alter or amend this act, so as to reduce the profits to a fair and just income to the

This act declared pub. ac Proviso.

stockholders, upon the capital stock paid in, and to make the necessary repairs upon the canal and tow-path.  
[Passed Nov. 7, 1833.]

34.--An act to incorporate the President, Directors and Company of the Farmers' Bank.

Farmer's Bank  
incorporated.

Limitation of  
grant.

Rights, powers,  
&c. of corpora-  
tion.

Amount of cap-  
ital stock and  
no. of shares.

Books when  
and where to  
be opened.

Commissioners

To be sworn.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the subscribers to the capital stock of the Bank, established by this act, their successors, and assigns shall be, and hereby are, constituted a corporation and body politic, by the name of *The Farmer's Bank*, and shall so continue and have succession, until the first day of January, one thousand eight hundred and forty-nine; and by that name may sue and be sued, may have a common seal, and the same alter, at pleasure; and shall be capable of purchasing, holding and conveying estate, real and personal, for their own use, and shall have and enjoy all the privileges, incident to corporations; and the said bank shall be established at Orwell, in the county of Rutland.

SEC. 2. *It is hereby further enacted,* That the capital stock of said bank shall be one hundred thousand dollars, and shall be divided into two thousand shares, of fifty dollars each.

SEC. 3. *It is hereby further enacted,* That books for receiving subscriptions for shares in said bank, shall be opened at said Orwell, within ninety days from and after the passing of this act, under the direction of Thomas D. Hammond, Joseph H. Chittenden, Ira Smith 2d, and Julius A. Austin, of Orwell, and James K. Hyde of Sudbury, Isaac Norton of Benson, and Silas H. Jennison, of Shoreham, or a majority of them, who are hereby appointed commissioners, for that purpose, and who shall be sworn to the faithful discharge of their duty; and said books shall continue open from ten to four o'clock, on each day, Sundays excepted, for the space of ten days; and thereafter, until the whole number of shares shall be subscribed. And the subscribers shall, at the time of subscribing, deposit with the commissioners, in gold or silver coin, five dollars upon each share, by them subscribed; and if at the end of said ten days, the number of shares shall exceed two thousand, the excess shall be

deducted from the highest subscriptions, so as not to deprive any person, who has subscribed for a small number of shares, of his, or her share, or shares, while any other person holds a larger number of shares; and continue so to reduce from the highest subscriptions, reserving entire shares, until the whole number of shares shall not exceed two thousand; and said commissioners shall deliver to the directors of said bank, within ten days after they enter upon the duties of their office, a list of the names of all the subscribers entitled to shares in said bank, and the number of shares to which each is entitled, and the sum by each deposited with them, under their hands, or a majority of them; and, also, of all monies by them received as deposits, on such shares, which list the said directors shall cause to be recorded, in the records of said bank, and thereupon, issue certificates to such subscribers for their shares.

Directions for deductions of excess of subscriptions.

Duties of commissioners.

SEC. 4. *It is hereby further enacted*, That it shall be the duty of said commissioners, at the expiration of said ten days, or as soon thereafter, as they shall think proper, to call a meeting of the subscribers to said bank, at such time and place as they shall think proper, by publishing a notice thereof, signed by them or a majority of them, in all the newspapers printed in Rutland county, two weeks successively, previous to said meeting, for the purpose of electing seven directors of said bank. *Provided*, That no operations shall be commenced at said bank, until the said number of two thousand shares shall be subscribed, and the sum of fifty thousand dollars of said capital stock paid into said bank.

Meeting for election of directors; by whom and how called.

Proviso.

SEC. 5. *It is hereby further enacted*, That the stock, property, and concerns of said bank, shall be managed and conducted by seven directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said bank, and inhabitants of this state, and shall hold their offices until the second Tuesday of January next succeeding their appointment; and until their successors are appointed and qualified; and shall be elected on the second Tuesday of January, annually, after the first election, as aforesaid, at such time of day and place, at said Orwell, as a majority of the directors for the time being, shall direct; public notice whereof shall be given, not less than thirty days previous to such election; and that all such elections shall be made by ballot, by the stockholders of said bank, who shall be present, personally, or by proxy; and the seven persons who shall have the greatest number of votes, at

Concerns of bank to be managed by seven directors.

Notice of election to be given.

Elections, how made.

any such election, shall be directors. And if it shall so happen, that any two or more persons, shall have an equal number of votes, in such manner that a greater number than seven, shall, by plurality of votes, appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of said persons, so having an equal number of votes, shall be director, or directors; and in like manner proceed, until seven directors are elected. And in case any vacancy, or vacancies, in the board of directors, shall, at any time happen, by death, resignation or removal, the same shall be filled from among the stockholders of said bank by a major vote of the remaining directors.

Vacancies, how filled.

Directors may be elected on day other than that prescribed.

SEC. 6. *It is hereby further enacted,* That in case it should so happen, that an election of directors should not be made, on the day in this act prescribed, for that purpose, the said corporation shall not, for that cause, be dissolved; but that it shall be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been directed, by the by-laws of such corporation.

Directors to appoint president and other officers, and enact by-laws.

SEC. 7. *It is hereby further enacted,* That the directors of said bank, shall have power to appoint one of their number president of said bank; and, also to appoint all other officers and servants, necessary for the management of the concerns of said corporation, and to fix the allowance for the compensation of said officers and servants; and to make and prescribe such by-laws, rules and regulations, as to them shall appear necessary and proper, not repugnant to the constitution or laws of this state, relating to the management and disposition of the stock, property, estate and effects of said corporation, and to the duties and conduct of the officers, clerks and servants, employed by said corporation, and to the election of directors, and to all other matters appertaining to the business of said bank.

Limitation of debt which may be contracted by bank.

Directors liable, in private capacity, in certain case.

SEC. 8. *It is hereby further enacted,* That the directors of said bank, shall not, at any time, contract debts to a greater amount than the deposits in specie in said bank, and three times the amount of the capital stock, then paid in specie, into said bank; and in case of excess, the directors, under whose administration it shall have happened, shall in case of loss, be liable for the same, in their private and natural capacities; but this shall not be construed to exempt the said corporation from being liable for such excess. *Provided, nevertheless,* that such of the directors as may have been absent when

such excess was contracted, or may have dissented from the resolution, or act, whereby the same was so contracted, may exonerate themselves from being liable, as aforesaid, by giving immediate notice of the fact, and of their absence or dissent, to the governor of this state.

Individual directors exonerated in certain case.

SEC. 9. *It is hereby further enacted,* That the shares in said bank shall be transferable, in such manner as shall be prescribed by the by-laws of said corporation. *Provided,* That no transfer shall be valid, until the same shall be recorded in a book to be kept by the directors, in said bank for that purpose; and unless the person making the same, shall have previously discharged all the debts due from him or her, to said corporation.

Shares transferable.

Proviso.

Transfers regulated.

SEC. 10. *It is hereby further enacted,* That the real estate which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its accommodation, in relation to its business and dealings, as a banking company; or such as shall have been mortgaged to it, by way of security, or conveyed to it in satisfaction of debts, previously contracted in the course of its dealings, or set off on execution, in satisfaction of debts, due said corporation.

Holding real estate restricted.

SEC. 11. *It is hereby further enacted,* That said corporation shall not directly, or indirectly, deal or trade in buying, or selling any goods, wares or merchandise, or commodity whatever.

Dealing in goods prohibited.

SEC. 12. *It is hereby further enacted,* That it shall be lawful for the directors, for the time being, to order and determine at what time or times, or in what proportions, the sums unpaid on such shares, or any part of the same, shall be paid into said bank; and they shall give notice thereof to the stockholders, by publishing their order, in the newspapers, printed in Rutland county, three weeks successively, the last of which shall be at least thirty days before such day of payment; and if any stockholder shall neglect to make payment on any share, agreeably to such order, such share, and all monies previously paid thereon, and all dividends accruing or due thereon, shall be forfeited to the use of such corporation.

Directors to order payment of assessment on shares.

And give notice thereof.

Shares forfeited for non-payment of assessments.

SEC. 13. *It is hereby further enacted,* That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said bank as they shall think proper.

Directors to make half yearly dividends.

SEC. 14. *It is hereby further enacted,* That the said corporation shall not demand any greater interest, on any loan, or discount, than at the rate of six per centum, per annum.

Rate of interest limited.

Number of  
votes to which  
stockholders  
are entitled.

SEC. 15. *It is hereby further enacted,* That each stockholder shall be entitled to a number of votes proportioned to the number of shares, which he, or she, shall have held in his, or her, own name, at least, three months next before the time of voting, according to the following rates, that is to say, one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten. *Provided,* no stockholder shall be entitled to more than twenty votes.

Proviso.

Shares declared  
personal estate.

How attached.

May be sold on  
execution.

Right in share  
vested in purchaser.

When officer  
appears to attach,  
or levy execution on  
shares, duty of  
cashier.

SEC. 16. *It is hereby further enacted,* That the shares of said corporation shall be personal estate to all intents and purposes; and when any share, or shares shall be attached or mesne process, the officer serving the same, shall leave with the cashier of said bank, an attested copy of such process, with his doings thereon; and such share, or shares, may be taken and sold on execution, in the same manner as is, or may be provided for the sale of other personal estate; the purchaser, causing an attested copy of the execution, and the officer's return thereon, to be left with the cashier of said bank, within twelve days after such sale, and paying for recording the same, which shall pass to the purchaser all the right of the stockholder, for whose debt the same was sold, in such share or shares. And whenever any officer, duly authorized therefor, shall appear at said bank, for the purpose of making an attachment of any share or shares, in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the cashier to produce to such officer, the books of said corporation, so far as to enable such officer to ascertain the number of shares, owned by the debtor, and to give such officer a certificate, under his hand, in his official capacity, certifying the number of shares, owned by such debtor, with the dividends due thereon, and the lien of the corporation on such share, or shares.

Bills and notes  
of bank, to be  
received on all  
demands in favor  
of bank.

Proviso.

SEC. 17. *It is hereby further enacted,* That the bills and notes of said bank shall, at all times, be received by said bank on all judgments, executions, or demands, of any nature, whatsoever, originally due, or owing to said bank; or which may be their property, at the time of payment; and all bills and notes shall be made payable at said bank, at Orwell. *Provided,* That no note, originally due or payable to said corporation, shall be endorsed so as to enable the endorsee, or endorsees, to maintain an action thereon, in his, or their own name.

SEC. 18. *It is hereby further enacted,* That within

one year after the passing of this act, and at any time thereafter, whenever requested by the legislature, if the same can be done without violating the provisions of the eighth section of this act, the said corporation shall loan to this state any sum or sums of money, so that not exceeding ten thousand dollars be, at any one time, due from said state to said bank, to be repaid by five annual instalments, or sooner, at the election of the state, with annual interest.

Loan to be made to state, if required.

SEC. 19. *It is hereby further enacted*, That the legislature of this state shall, at each session, appoint a committee, who shall be under oath for the faithful discharge of their duty, as such, who shall not be stockholders in said bank, whose duty it shall be to examine into the doings of said corporation, and shall have free access to their books, papers and vaults, and power to inquire of the cashier, or any other officer of said bank, under oath, relative to all the concerns of said bank, and make report of their doings to the legislature; and if such committee shall consider that the corporation have exceeded their powers herein granted, or have failed to comply with the conditions of this act, they shall have power, and it is hereby made their duty, to direct the state's attorney, for the county of Rutland, or such other person as they shall appoint, to file an information against said corporation before the supreme court of judicature, in and for the county of Rutland, which shall be served on one or more of the directors of said bank, at least twelve days before the sitting of the court, to which the same is made returnable; and if, upon trial of said cause, it shall be found that said corporation have exceeded the powers herein granted to them, or have failed to comply with the conditions of this act, said court, is, in its discretion, hereby empowered to declare said charter vacated. *Provided always*, That the persons composing such committee, shall, previous to such examination, make oath that they will never thereafter divulge the name of any individual debtor to said bank, unless thereto required in a court of justice, in due course of law.

Legislature shall appoint committee to examine into doings of bank.

Duty of committee to cause information to be filed in certain cases.

Sup. court may declare charter vacated.

Proviso.

Committee to make oath not to divulge names of bank debtors.

SEC. 20. *It is hereby further enacted*, That said corporation shall not, at any time, suspend or refuse payment in gold or silver coin, of any of its notes, bills or obligations, nor of any monies received as general deposits in said bank; and if said corporation shall neglect or refuse to pay, on demand, any such bill, note or obligation, or deposit, to the person or persons entitled to receive the same, such person or persons shall be entitled to receive

Corporation not to suspend or refuse specie payments.

Proviso.

Legislature may enact laws enforcing recovery against bank.

Sup. court may vacate charter for suspension of specie payments.

Directors to give bonds.

Condition of bond.

Bond how prosecuted.

To plea of performance prosecutor may reply breaches, and judgment to be entered for penalty.

Judgment shall remain as surety to others injured.

This act declared a public act

and recover interest on such note, bill, obligation or deposit, until the same shall be paid or satisfied, at the rate of twelve per cent. per annum, from the time of such demand. *Provided always*, That the legislature may at any time hereafter, enact laws enforcing and regulating the recovery of the notes, bills, obligations, and other debts, of which payment shall have been refused, as aforesaid, with the rate of interest above mentioned. *Provided also*, That the supreme court shall have the power of declaring the charter of said bank vacated in the manner provided in the nineteenth section of this act, for the non-payment of the notes of said corporation.

SEC. 21. *It is hereby further enacted*, That each and every of the directors of said bank, shall, before he enters upon the duties of his office, give bond to the treasurer of this state, in the sum of eight thousand dollars, with good and sufficient surety, or sureties, to the satisfaction of said treasurer, conditioned for the faithful discharge of the duties of his office, agreeably to the regulations, requirements and restrictions, of this act; and on the complaint of any person who has been injured by the misconduct of any director, it shall be the duty of said treasurer to cause said bond to be put in suit, on receiving security to indemnify the state against cost, and to certify to the court, who is the prosecutor in such cause; and said court may, on motion of the defendants, in said cause, order the prosecutor to find sureties to indemnify the defendants for their costs, should he fail to prosecute or recover thereon. And if the defendants shall plead performance of the conditions of said bond, the prosecutor may reply as many breaches respecting his interest as he shall think fit; and the jury, on the trial of such issues as shall be put to them, shall assess damages for such breaches as the prosecutor shall prove, and the court shall enter up judgment for the whole penalty of the bond, and issue execution in favor of the prosecutor, for such sum as the jury shall have found for damages, and the cost; and the judgment shall remain for the benefit of such person or persons, as may, by a *scire facias* thereon, show that they have been injured by any breaches of the condition of said bond: and if the prosecutor shall fail to recover in such suit, the court shall award costs to the defendant, and thereof issue execution against such prosecutor.

SEC. 22. *It is hereby further enacted*, That this act be, and hereby is, declared to be a public act, and that the same be, for the time herein before limited, constru-



ed in all courts and places, benignly and favorably for every beneficial purpose therein mentioned.

SEC. 23. *It is hereby further enacted,* That the said corporation shall take no benefit by this act, and that the same shall be wholly void, unless the said bank shall commence and be in operation agreeably to the provisions of this act, within one year, after the passing the same. Bank to be in operation in one year.

SEC. 24. *It is hereby further enacted,* That the said corporation shall, semi-annually, at the time at which the directors of said bank shall declare the dividends of the profits of said bank, pay into the treasury of this state, for the use and benefit of this state, ten per centum of the profits of said bank, whether all the profits shall have been divided or not, on all stock owned within this state; and twelve per centum of said profits on stock owned without the state. Corporation to pay into treasury ten per cent. on stock owned within this state. And twelve per cent. on stock owned without this state.

SEC. 25. *It is hereby further enacted,* That the commissioners appointed agreeably to the provisions of the third section, and the committee appointed agreeably to the provisions of the nineteenth section of this act, shall, severally, have a right to demand and receive of said corporation, a remuneration for all services by them performed, agreeably to the requirements of this act. Commissioners and committee to receive compensation of corporation.

SEC. 26. *It is hereby further enacted,* That in case there shall be more than two thousand shares subscribed to said bank, the commissioners for receiving such subscriptions, shall, in deducting the excess, give a preference to the inhabitants of this state, so that they may hold the whole of said stock; and in case it shall appear to the satisfaction of said commissioners, that any subscriber shall have subscribed for stock in the name of any other person, or persons, or shall have procured subscriptions to be made in the name of any other person, or persons, for his, or her benefit, it shall be the duty of said commissioners, to deduct the whole, or any part of said shares, so subscribed, as aforesaid. Inhabitants of this state to be preferred in subscription for shares.

SEC. 27. *It is hereby further enacted,* That one tenth part of said stock shall be sold conditionally, namely, that at any time, during the operation of this act, it may, and shall be lawful, for the state of Vermont, to take of the capital stock of said bank, one tenth part of said stock, by said states' paying said stockholders, at said bank, the amount then paid into the capital stock; and it shall be the duty of the president, directors, and company of said bank, on such payment, forthwith, to transfer to the state of Vermont, one tenth part of said capital stock. One tenth part of stock may, at any time, be taken by state,

[Passed Nov. 7, 1833.]

**35.—An act, to incorporate the Pownal McAdam Turnpike Company.**

**Persons incor-  
porated.** SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Jacob Peck, Charles Bowen, Arnold Bowen, Abel B. Wilder, Daniel Rhodes, Nathan Varin, Ethan Brown, Hiram T. Hovey, Honeyman P. Blanchard, John Wright, Samuel Wright, Willard Bates, Augustus Starkweather, and John M. Potter, their associates for that purpose, successors, and assigns, be, and they hereby are, made a body politic and corporate,

**Name.** under the name of *The Pownal McAdam Turnpike Company*, and by that name, shall be, and hereby are, made capable, in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any courts of record, or in any other place whatever; to make, have, and use a common seal, and the same to break, renew, or alter at pleasure, and shall be, and are hereby vested with all the powers, privileges and immunities, which are, or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said corporation, are hereby authorized and empowered to locate, construct, and finally

**Privileges and powers.** complete, a McAdamized road, in such manner and form, as they shall deem expedient, from some suitable place in the town of Pownal, in the county of Bennington, beginning at the west line of said town, at, or near the dwelling house of Abraham Vosburgh, in said Pownal, to the south line of said Pownal, and to them, their successors and assigns, is hereby granted, the sole and exclusive right and privilege of creating and making the same, with power to lay out their road at least four rods wide, through the whole length; and for the purpose of cuttings and embankments, stone and gravel, may take as much

**May construct McAdamized road.** more land, as may be necessary for the proper construction and security of said road. *Provided, however,* That all damages that may be occasioned to any person, or corporation, by the taking of such land, or materials, for the purpose aforesaid, shall be paid for by said corporation, in the manner hereinafter provided.

**Extent of road.**

**Width of road.**

**May take as much land as is necessary.**

**Damage to be paid by corporation.**

**Conditions of grant.** SEC. 2. *It is hereby further enacted,* That if the said corporation shall not within four years from the passing of this act, commence the construction of said road, and expend, at least, the sum of two thousand dollars thereon; and shall not within ten years, complete and finish said road, then the said corporation shall cease, and this act shall be void.

SEC. 3. *It is hereby further enacted,* That the cap-

ital stock of said company shall be one hundred thousand dollars, which shall be divided into two thousand shares, of fifty dollars each; and the shares in said company shall be deemed personal property, and transferable in such manner as the said corporation shall, by their laws direct. And when any share, or shares, shall be attached on mesne process, the officer serving the same, shall leave with the secretary, or clerk, of said corporation, an attested copy of said process, with his doings thereon, and such share, or shares, so attached, shall be holden, and may be taken, and sold on execution, in the same manner as is, or may be provided, for the sale of other personal estate; and the purchaser, causing an attested copy of such execution, and the officer's return thereon, to be left with the secretary of said corporation, within twenty days after such sale, and paying for recording, the sum of seventeen cents, shall pass to the purchaser, at the right of the stockholder, for whose debt the same was sold, in such share, or shares. And when any officer, duly authorized therefor, shall appear at the office of the clerk of said corporation, for the purpose of making an attachment of any share, or shares, in said corporation, owned by any debtor, or for the purpose of levying execution thereon, it shall be the duty of the secretary, or clerk, to produce to such officer, the books of said corporation, so far as to enable such officer to ascertain the number of shares owned by the debtor, and to give to such officer a certificate, under his hand, in his official capacity, certifying the number of shares owned by such debtor, with the dividend thereon due, and the lien of the corporation on such share, or shares.

Capital stock.

To be deemed personal property.

And may be attached and sold on execution.

Mode of making service.

Secretary and clerk to produce books to officer, and give certificate of number of shares owned by debtor.

SEC. 4. *It is hereby further enacted,* That Josiah Wright, Pliny Wright, Elijah Barber, Sylvanus Danforth, Homer O. Merchant, Reynolds Carpenter, and Timothy Ware, be, and they hereby are, appointed commissioners, whose duty it shall be, within the period of two years, after the passing of this act, at some suitable place, in Pownal, and such other places as they may deem proper, to open the books to receive subscriptions to the capital stock of said company; and not less than thirty days' notice shall be given, by the said commissioners, of the times and places, aforesaid, by publishing the same, in the newspaper, printed at Bennington, in Bennington county, and in such others, as they may deem proper; and any two of said commissioners, shall constitute a board for receiving subscriptions; and each subscriber, shall, at the time of subscribing, pay over to

Commissioners.

Duty of commissioners.

Subscriptions.

**Five dollars to be paid on each share.** said commissioners the sum of five dollars, on each share by him subscribed, and each subscriber, shall thereby become a member of said corporation; and when forty shares shall have been subscribed, or as soon thereafter as may be expedient, it shall be the duty of the said commissioners to give like notice, for a meeting of the stockholders, at such time and place, as said commissioners, or a majority of them, shall appoint, to choose seven directors; and such election shall then and there be made by such of the stockholders, as shall, then and there attend, for that purpose, either in person, or by lawful proxy, each share of the capital stock entitling a stockholder to one vote. And the said commissioners shall be inspectors, of the first election of directors of said corporation, and shall certify, under their hands, the names of those duly elected, and deliver over to said directors the subscription books, and the sums of money, deposited with them, on the shares subscribed, as aforesaid, and the time of holding the first meeting of the directors, shall be fixed by the said commissioners; and a new election shall be made, annually, at such time and place, as the board of directors shall appoint, giving thirty days notice of the time and place, of said meeting, by publishing in the newspaper, printed at Bennington, and such others as the directors may deem proper; and if there be no newspaper printed in Bennington, in such paper as is published nearest to said Pownal.

**First meeting of stockholders.**

**One vote for each share.**

**Commissioners to be inspectors of election of directors.**

**And shall deliver subscription books to directors.**

**First meeting of directors.**

**Directors may choose officers.**

**And fill vacancies.**

**President and vice president pro tem.**

**Corporation not dissolved on account of failure to elect directors.**

**SEC. 5.** *It is hereby further enacted,* That the said directors to be chosen at such meeting, or at such annual election, shall, as soon as may be, after every election, choose, out of their own number, one president, and one other person to be vice president; and in case of the death, resignation, or absence of the president, the vice president shall preside; and in case of the vacation of the office of president, vice president, or either of the directors, by death or otherwise, such vacancies may be filled, for the remainder of the year, wherein they may happen, by the board of directors; and in case of the absence of the president and vice president, both, or either, the directors shall have power to appoint either, or both of said officers, pro tempore, who shall have and exercise such powers and functions as the by-laws of said corporation may provide.

**SEC. 6.** *It is hereby further enacted,* That in case it should at any time happen, that an election of directors shall not be made, on any day, when pursuant to this act, it ought to have been made, the said corporation shall

not, for that cause, be deemed to be dissolved, but such election may be held at any other time directed by the laws of said corporation.

SEC. 7. *It is hereby further enacted,* That the said directors, shall have power to appoint one or more engineers, and to cause such examinations and surveys for said road, as may be necessary to the selection by them, or a majority of them, of the most advantageous line, course, or way for said road, from the said west line of said Pownal, to the said south line. And the said directors or a majority of them, shall, after such examination and surveys shall be made, select, and by certificates under their, or a majority of their hands, and seals, designate the line, course, or way, or ways, which they, or a majority of them, may deem most advantageous for said road, through said town of Pownal; one of which certificates shall be recorded in the office of the town clerk of the said town of Pownal, which line, course, or way, so selected, and certified, shall be deemed the line, course, or way, or ways, on which the said corporation shall construct, erect, build, or make their said road, as hereinafter mentioned; the expenses of all such surveys, and examinations, and all manner of incidental expenses, relating thereto, shall be paid by said corporation. And it shall be lawful for said corporation, by themselves, their engineers, or agents, to enter upon any lands, for the purpose of making such surveys, paying for all damages occasioned by such entry, according to the provisions of the ninth section of this act.

Directors may appoint engineers.

And cause survey to be made.

And designate, by their certificate, the course of road.

Certificate to be recorded.

Expenses how paid.

Corporation may enter upon any lands, paying damages therefor.

SEC. 8. *It is hereby further enacted,* That five directors shall form a board; and they, or a majority of them, shall be competent to transact all the business of said corporation; and they shall have full power to make and prescribe such by-laws, rules, and regulations, respecting the management and disposition of the stock, property, estate, and effects of said corporation; the transfer of shares, and respecting the duties and conduct of their officers and agents, and the election of directors, and all other matters, whatsoever, which may appertain to the concerns of said corporation; and, also, shall have power to appoint a secretary and treasurer, and as many clerks as to them may seem meet, and to fix and establish to them such salaries and allowances, and also to the president, and vice president, as may seem proper. And the said corporation are hereby authorized and empowered, by their agents, surveyors, and engineers, to enter upon such route, place, or places, to be designated, as aforesaid, by

Five directors shall form a board.

Powers and duties of directors.

Corporation may enter upon any lands necessary.

the said directors, as the course of said road, and upon all such lands, as may be necessary, for the purposes aforesaid, and use the same for the construction and maintenance of said road; and may also receive, hold, and take all such voluntary grants and donations of land, and real estate, as may be made to the said corporation, to aid in the construction, maintenance, and accommodation of the aforesaid road. *Provided*, That all lands, or real estate, thus entered, taken possession of, and used by said corporation, and which are not donations, shall be purchased by said corporation, and of the owner, or owners, of the same, at a price to be mutually agreed upon between them; and in case of a disagreement as to the price, and before the making of any portion of the road, upon said land, it shall be the duty of the judges of the county court, within and for the county of Bennington, or a majority of them, to appoint three commissioners, who shall be persons not interested in the matters to be by them determined, to determine the damages, which the owner, or owners of the land, or real estate, so entered upon and taken by the said corporation, may have, or shall be likely to sustain by the occupation of the same, in manner aforesaid, and upon the payment of such damages, together with the costs, and charges attending the appraisalment, by the said corporation, the said commissioners being allowed three dollars each, per day, while thus employed, then said corporation shall be deemed to be seized, and possessed of all such lands or real estate, as shall have been appraised by said commissioners; and it shall be the duty of said commissioners to give fifteen days notice of the time and place of such appraisements to be given to the owner, or occupant of the land to be appraised, and after such appraisalment, to deliver to the said corporation, a written statement of the award, or awards, they shall make, with a description of the land, or real estate appraised, and which shall, within sixty days, be recorded by the said corporation, in the clerk's office, of the said town of Pownal. And in case any owner, or owners of land, or real estate, taken by said company, shall be a married woman, or married women, infant, or infants, idiot, or idiots, or insane, or shall reside out of the state, then, and in such case, the said corporation shall cause the damages sustained by such owners, to be determined in the manner above prescribed, and shall pay the amount of such last mentioned damages to such owners, respectively, whenever the same shall be lawfully demanded, together with the interest at the rate of six per centum per annum,

And take and hold donations.

Proviso.

Lands entered upon which are not donations, to be purchased.

In case of disagreement, co. court to appoint commissioners.

Who shall determine the damages sustained by owner.

Upon payment of damages, corporation to be seized of such lands.

Commissioners to give notice.

And give written statement of their award.

And cause the same to be recorded.

Damages how appraised and paid in case owner be married woman, or infant, &c.

which said amount and interest shall be a specific lien on the real estate of said corporation, and shall have a preference to any other demand against said corporation.

SEC. 9. *It is hereby further enacted,* That it shall be lawful for said corporation, by their agents, engineers, or workmen, with all necessary tools, teams and carriages, to enter upon any lands, contiguous or near to such road, or any of the works connected therewith, to take and carry away all such stone or gravel, and other materials, as may be necessary and proper for constructing or repairing said road, paying therefor as is provided in the eighth section of this act. *Provided,* That either party may have a right to appeal as regulated by the tenth section of this act.

Corporation may enter upon lands contiguous, by paying damages therefor.

Proviso.  
Appeal.

SEC. 10. *It is hereby further enacted,* That should the corporation, or the owner or occupant of any lands, real estate, or materials, feel themselves aggrieved by the decision of the commissioners aforesaid, either party within ninety days from the making such decision, and notice thereof; or from the removal of the disabilities mentioned in the preceding section, or from the return of such non-resident to this state, may appeal to the county court for the county of Bennington, giving twelve days notice, in writing, of such appeal; and the party so appealing shall file in said court a copy, attested by one or more of said commissioners of their said commission and appraisal; and the said court are hereby authorized to hear and determine the question of damages aforesaid; and their decision shall be final and conclusive between the parties. And said court may tax costs for or against either party, as they may judge just and equitable, and issue execution therefor. *Provided,* That such appeal shall not prevent said company from taking possession of said lands concerning which such appeal shall be made.

Either party may appeal from decision of commissioners.

Decision of co. court to be final.

Court may tax cost:

Proviso.

SEC. 11. *It is hereby further enacted,* That whenever it shall be necessary for the construction of their said road, to intersect or cross any stream of water, or water courses, or any highway, it shall be lawful for the said corporation to construct their road upon the same, provided the said corporation shall restore the stream or water courses, or the road or highway to its former state, or in a sufficient manner not to have impaired its usefulness, to the satisfaction of the selectmen of the town where the same is situated; or in case of their disaffection, or refusal, to the acceptance of commissioners, to

Corporation may construct road across stream or highway.

Shall restore stream or highway to its former state.

Proviso.

be appointed as in case of the assessment of damages to the lands of individuals before provided in this act. *Provided nevertheless*, That nothing in this act contained, shall be so construed as to prevent the crossing of such road, with teams or otherwise, in such manner as not to injure the same.

Person injuring any building, &c. to forfeit double damages.

SEC. 12. *It is hereby further enacted*, That if any person, or persons, shall wilfully do, or cause to be done, any act or acts, whatever, whereby any building or construction, work, matter or thing, of the said corporation, or appertaining thereto, shall be injured, impaired or destroyed, the person or persons, so offending, shall forfeit and pay to the said corporation, double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, by action of debt.

Payment of sums subscribed, regulated.

SEC. 13. *It is hereby further enacted*, That it shall be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed to the capital stock, at such times, and upon such conditions, and in such proportions, as they shall deem fit, not exceeding ten dollars on any one share, at any one time; and shall give notice of the payments thus required, and the time and place when the same are to be paid, at least thirty days previous to the payment of the same, in the newspaper printed at Bennington, if any there be; and otherwise, in the newspaper published nearest to the said town of Pownal. And such of the stockholders as shall neglect payment as aforesaid, shall forfeit their shares, and all previous payment thereon.

Shares forfeited for non-payment.

Office of clerk to be kept in Pownal.

SEC. 14. *It is hereby further enacted*, That the office of clerk to said corporation, shall be kept in the said town of Pownal.

Location of road may be altered in certain case.

SEC. 15. *It is hereby further enacted*, That if the said road, shall, at any time, be injured by freshets, or other unforeseen accidents, so that it shall not be practicable to repair the same on its original location, the directors of said corporation are hereby authorized to remove the location of such parts as they shall deem proper, by complying with the provisions of this act, in relation to the original location, surveys and construction of said ways, in relation thereto.

Corporation to keep true accounts of all expenditures and receipts.

SEC. 16. *It is hereby further enacted*, That the said corporation shall cause to be kept true and just accounts of all their expenditures and receipts, subject to the inspection of any of the stockholders.

SEC. 17. *It is hereby further enacted*, That it shall be



lawful for said corporation to erect upon any part of said road, not a public highway, at the time of making said road, one or more toll houses, or gates, and to collect and receive thereat tolls and charges for the transportation or passage of animals, carriages, or other things, at such rates as they shall think meet and proper. *Provided*, That the supreme court of this state, at any stated session of said court, in the county of Bennington, on application of said company, or of ten freeholders of said county, and twelve days notice, in writing, being given to the clerk of said company, may alter and establish such tolls for a term not exceeding three years. *And provided also*, That said court shall not, at any time, so reduce said tolls that the said company shall receive a less sum than twelve per cent. per annum, on all capital invested, together with all charges and expenses of said corporation, taking, as the basis of such calculation, the amount of tolls and expenses for the preceding year. *Provided*, That said company shall not erect any toll house, or gate, upon said road, until they shall cause said road to be so graduated that the ascent shall not, in any place, exceed four degrees.

Corporation may erect toll houses and gates, and receive tolls.

Supreme court may alter rate of tolls.

First proviso.

Second proviso.

SEC. 18. *It is hereby further enacted*, That the said corporation shall keep constantly exposed to view, at all places where they shall receive tolls, a board, bill, or sign, with the rates of toll, or charges, legibly written thereon.

Corporation shall keep exposed to view a sign with rate of tolls.

SEC. 19. *It is hereby further enacted*, That said road shall, at all times, be, and remain, a public highway, free and open for the transportation or passage of carriages, animals, or other things, subject to tolls, according to the regulations of this act.

Said road shall remain a public highway.

SEC. 20. *It is hereby further enacted*, That this act shall be taken and construed to be a public act.

This act declared a public act.

SEC. 21. *It is hereby further enacted*, That all the privileges of this act shall be under the control of this or any future legislature, so as to alter, amend, or repeal the same, at pleasure, as the public good may require.

This act to be under control of future legislature.

[Passed Nov. 7, 1833.]

36.—An act, to incorporate the Ascutney Mill Dam Company.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That Jonathnn H. Hubbard,

- Persons incor-** Allen Wardner, Nahum Swallow, Isaac W. Hubbard,  
**porated.** John Pettes, John P. Skinner, Francis E. Phelps, and  
others, who are hereby associated, under the name of  
*The Ascutney Mill Dam Company*, and their successors,  
are hereby created and constituted a body politic and cor-  
porate, by the name aforesaid, and by that name, may  
have succession, and may sue and be sued, plead and be  
impleaded, may contract and be contracted with, and  
may purchase and hold any real or personal estate, not  
exceeding, in value, five hundred thousand dollars, and  
may sell, lease, or convey the same, or any part thereof,  
at pleasure; and shall enjoy and possess all the powers  
and privileges incident to corporations, for the purposes  
of improving the water power of Mill Brook, in said  
Windsor, by the construction of dams, reservoirs, and can-  
als, and to render the use of the same convenient, in  
conformity to the articles of association of said company;  
and may have a common seal, and the same may alter at  
pleasure. And it shall be lawful for said corporation, to  
flow, for the purposes aforesaid, any lands in said town  
of Windsor, which the said corporation may deem neces-  
sary for the carrying into full effect the objects of said  
corporation, by paying such compensation therefor, as  
may be agreed upon with the owners thereof.
- Powers and** **SEC. 2.** *It is hereby further enacted,* That the first  
**privileges.** meeting of said corporation, shall be holden at such time,  
and place, in said Windsor, as a majority of the grantees  
herein named, shall direct, by publishing a notice of said  
meeting, two weeks, successively in the Republican and  
Journal, printed at said Windsor. And the said corpora-  
tion, may, at said meeting, or at any annual meeting,  
warned for that purpose, make choice of such officers as  
they may think necessary; who shall hold their offices  
for one year, and until others shall be appointed in their  
stead. And at any such meeting may make, alter, and  
repeal any regulations or by-laws, which may be deemed  
necessary, to carry into effect the objects of this grant.
- May flow any** **By-laws.** **Provided,** the same shall be in conformity to the princi-  
**lands by mak-** **ples of the articles of association aforesaid, and not re-**  
**ing compensa-** **pugnant to the laws of this state.**  
**tion therefor.**
- First meeting.** **SEC. 3.** *It is hereby further enacted,* That the stock of  
said corporation, shall be divided into five hundred shares  
of fifty dollars each, which shall not be liable to any fu-  
ture assessments above said fifty dollars; but if the num-  
ber of shares above named, shall not be sufficient to car-  
ry into full effect the objects aforesaid, the stockholders  
may, by a vote of two thirds of all the shares, from time
- Corporation**  
**may divide this**  
**grant into**  
**shares.**

to time, increase the number of shares ; and all the shares in said corporation, shall be holden to pay any assessment, duly made thereon, or any debt due from the owner, or owners thereof, to this corporation ; and in case of any delinquency, in the payment of such assessment, or debt, the shares thus holden, may be sold at public auction, in such manner as the corporation, by their by-laws, shall prescribe, for the payment of such assessment, or debt. And the shares in said corporation shall be taken and deemed personal property, and may be transferred in such manner, as the corporation, in their by-laws may direct.

Shares may be sold at public auction.

Shares to be deemed personal property.

SEC. 4. *It is hereby further enacted,* That all the real and personal estate, rights and privileges, appurtenances, and immunities belonging to the existing association called and known by the name of *The Ascutney Mill Dam Company*, shall, upon the acceptance of this grant, become the property of, and be vested in, this corporation. *Provided,* That this act after the expiration of twenty years from the passing hereof, shall be under the control of any future legislature, to repeal, alter, or amend.

Rights of the existing association shall belong to this corporation.

Future legislature may repeal &c. after twenty years.

[Passed Nov. 7, 1833.]

37.—An act, incorporating certain persons therein mentioned, by the name of *The Bristol Iron Manufacturing Company*.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Francis Bradbury, John D. Ward, Villa Lawrence, Horace Onion, and Samuel S. Woodbridge, and their associates, and successors, be, and they are hereby, constituted and appointed a body politic and corporate, to all intents and purposes, by the name of *The Bristol Iron Manufacturing Company* ; and by that name, may sue and be sued, may appear, prosecute, and defend, in all suits and actions ; may purchase, hold and convey both real, and personal estate, not exceeding one hundred thousand dollars ; may have a common seal, and the same alter at pleasure, and shall have and enjoy, all the powers, and privileges incident to corporations, for the purpose of digging ore, in the county of Addison, and making and manufacturing and vending iron, in its various branches, in the town of Bristol, in the county of Addison, in this state.

Persons incorporated.

Name.

Powers and privileges.

Objects of incorporation.

Corporation  
may divide  
grant into  
shares, which  
shall be deem-  
ed personal es-  
tate.

Manner of serv-  
ing process.

SEC. 2. *It is hereby further enacted,* That the said corporation shall have power to divide this grant into as many shares as they may deem proper; and such shares shall be taken, deemed and considered, personal estate to all intents and purposes, and when any share, or shares, shall be attached on mesne process, an attested copy of such process, shall be left with the clerk of said corporation, with the officer's return thereon endorsed, at the time of serving the same, otherwise such attachment shall be void; and such share, or shares, may be sold on execution, in the same manner as now is, or may, hereafter, be provided, by law, for making sale of personal property on execution, the officer serving the same, leaving a copy of such execution, with his return thereon endorsed, with the clerk of said corporation, within fourteen days after such sale, and paying the clerk for recording the same; and such share, or shares, so sold, shall to all intents and purposes vest in the purchasers.

First meeting

SEC. 3. *It is hereby further enacted,* That the said Francis Bradbury, and Villa Lawrence, or either of them, be, and they are, hereby authorized and empowered, to call the first meeting of said corporation, by advertising the same in the Vergennes Gazette, or such other papers, in the county of Addison, as they may think fit, at least ten days previous to said meeting; at which first meeting, said corporation may choose such officers, as they may think necessary, and establish a mode of calling future meetings; and the said corporation may at said meeting, and at all other meetings, legally notified, make, repeal, alter, and amend such by-laws, rules, and regulations, not repugnant to the constitution and laws of this state, nor of the United States, as they may deem proper, for carrying into effect the object of said corporation.

By-laws.

Corporation  
may assess  
taxes.

SEC. 4. *It is hereby further enacted,* That the said corporation shall have power, by themselves, their agents or directors, to assess taxes, on the shares of said company, and if necessary, to sell such shares for the collection of the same, in such manner as said corporation, by their by-laws, may establish.

This act to be  
under the control  
of the legisla-  
ture.

SEC. 5. *It is hereby further enacted,* That this act shall be under the control of the legislature of this state, who may, at any time, amend, alter, or repeal the same, as they may deem the public good requires.

[Passed Nov. 7, 1833.]

38. — An act, to incorporate the Readsborough Turnpike Company.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Jonathan Houghton, junior, David Robinson, junior, Joel Houghton, Elijah Bailey, William Sanford, Horace Roberts, Theodore Colwell, John Hicks, Calvin Hicks, Samuel Amidon, Jacob Hicks, and their associates, their heirs and assigns, and their successors, be, and they are hereby constituted a corporation, by the name of *The Readsborough Turnpike Company*, and by that name may sue, and be sued, plead and be impleaded, may have a common seal, to be by them altered, at pleasure, and shall enjoy all the powers and privileges, incident to a corporation, for the purpose of laying out, making, altering, and keeping in repair a turnpike road, from the Searsburgh turnpike, near Woodford city, or from such other point, or place, in said town of Woodford, as the committee, hereinafter named, shall determine upon, in the township of Woodford, in the county of Bennington, by Readsborough city, in the township of Readsborough, in said Bennington county, and near the meeting house, in the centre of the town of Whitingham, in the county of Windham, to the west branch of North River, in the easterly part of said town of Whitingham, about sixteen miles. Said road to be four rods wide, and the path for travelling not less than eighteen feet wide.

Persons incorporated.

Name.

Powers.

Road to be laid out by committee.

SEC. 2. *It is hereby further enacted,* That the first meeting of said corporation, shall be holden at the dwelling house of Erastus Bassett, in Readsborough, in the county of Bennington, on the first Monday of January next, at ten o'clock, in the forenoon, for the purpose of choosing a president, clerk, and five directors, and such other officers as they may think proper; and said corporation, may, from time to time, establish such by-laws, not repugnant to the constitution and laws of this state, as they may think proper.

First meeting.

Officers.

SEC. 3. *It is hereby further enacted,* That John Roberts, of Whitingham, David Robinson, junior, of Bennington, and Jonathan Houghton, of Readsborough, be, and hereby are, appointed a committee, to lay out and survey said road; and said corporation, shall cause the doings of said committee to be recorded in the town clerk's office, in said towns of Woodford, Readsborough, and Whitingham; and said committee shall assess such damages, as in their opinion, ought in equity, to be paid to any land holder, through whose land said road shall be

Committee.

Their duties.

Doings to be recorded.

Shall assess damages.

laid out, and give an order on said corporation, for the payment thereof; which order shall be paid by said corporation, before they shall be entitled to open and make said road, through the land of the owner, wherein damages are assessed. *Provided*, in case of the decease, resignation, or other disability of either of the committee aforesaid, the judges of the county court, for the county of Windham, shall have the power, from time to time, to fill such vacancy.

Proviso.

SEC. 4. *It is hereby further enacted*, That when said turnpike shall be completed to the acceptance of the judges of the county court, within and for the county of Windham, the said corporation shall have power to erect one or two gates, on said road, as they may choose, and the same remove at pleasure; and said corporation shall be, and hereby are entitled to receive from each traveler, or passenger, the following rates of toll, for the whole distance, to wit: for every four wheeled carriage, drawn by two beasts, seventy-five cents, and for each additional beast, eight cents; for every two wheeled pleasure carriage, drawn by one beast, forty cents; for each waggon or cart, drawn by one beast, thirty cents; for each wagon, or cart drawn by two beasts, forty cents; and for each additional beast, eight cents; for each sulkey, drawn by one horse, twenty cents; for each sled, or sleigh, drawn by one horse, twenty-five cents; for each sled or sleigh, drawn by two beasts, thirty-four cents; for each additional beast, six cents; for each person and horse, twenty cents; for all horses, mules, or neat cattle, led or driven, each, two cents; for sheep or swine, at the rate of one cent per head. *Provided*, That the people, inhabiting, in any town, through which said road shall pass, shall have the right of passing and repassing, toll free, any gate that shall, or may be erected on said turnpike, in such town, while going to, or from, any gristmill, or to, or from, public worship, or on military duty, or about his, or her, common and ordinary domestic concerns.

Corporation  
may erect  
gates.

Rates of toll.

Proviso.

Legislature  
may alter rates  
of toll after fif-  
teen years.

Proviso.

Limitation.

SEC. 5. *It is hereby further enacted*, That any future legislature may, after the term of fifteen years, after the completion and acceptance of said turnpike road, alter, or diminish the rates of toll, to be taken at the gate, or gates, so to be erected, as to the legislature may appear just and equitable. *Provided*, the same shall not be reduced at a rate affording less than twelve per cent. on the amount of expenditures made by said corporation.

SEC. 6. *It is hereby further enacted*, That if said corporation shall not complete said road to the accept-

ance of the judges of the county court, within and for the county of Windham, within four years from the passing of this act, the grant of said corporation shall be null and void. *Provided*, That at the expiration of twenty years from the passing of this act, it shall be in the power of the legislature to alter, amend, or repeal the same. Proviso.

[Passed Nov. 7, 1833.]

39.—An act incorporating the inhabitants of the first school district in Rockingham, for the purpose therein mentioned.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That the freeholders and inhabitants within the present bounds of the first school district in Rockingham, in the county of Windham, and their successors, forever, are hereby constituted, and appointed a body politic and corporate, in name, and in fact, by the name of *The Bellows Falls Village Corporation*, and by that name shall be capable in law, of suing and being sued; pleading and being impleaded; answering and being answered unto; defending and being defended, in all courts and places, whatever; may have a common seal, and the same alter at pleasure, and shall be capable in law of purchasing and holding real estate to the amount of two thousand dollars, and conveying the same when necessary; may build reservoirs for water, and erect a house or houses, for the safe keeping of an engine or engines, and other apparatus;—may also purchase and hold personal property to the amount of two thousand dollars, besides an engine, or engines, and other apparatus, for extinguishing and preventing the spreading of fire; may prescribe the manner of keeping ashes, and of fitting up stoves and stove funnels, and chimney boards; and shall have, enjoy, and may exercise, within the present bounds of said district, all the privileges and powers incident to corporations for extinguishing fire within this state. Inhabitants incorporated. Name. Powers and privileges.

SEC. 2. *It is hereby further enacted*, That the first meeting of said corporation shall be holden at the school house, in said district, on the first Monday of January next, notice whereof, signed by a justice of the peace, shall be published in one or more of the newspapers, printed in said Rockingham, at least two weeks, successively, previous to said meeting, for the purpose of

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**Officers.** choosing a clerk, five freeholders of said village, for bailiffs of said village, five fire wardens, a treasurer and collector of taxes, and such other officers as may be thought necessary, and establishing a mode of calling future meetings; and said corporation, at said meeting, and at all future meetings, may make, repeal, and alter, such by-laws, rules, and regulations, not repugnant to the laws of this state, as they may deem proper and necessary to carry into effect the object of this corporation.

**Fire wardens.**

**Powers and duties of wardens.**

**Penalty for disobeying orders of wardens.**

**Proviso**

**SEC. 3.** *It is hereby further enacted,* That such persons as said corporation may, from time to time, choose, by ballot, as fire wardens, and having with them, at the time, some distinguishing badge of their office, fixed and agreed upon by said corporation, be, and they are hereby empowered, in all times of fire, to demand and require, assistance of any of the inhabitants of said district, to extinguish and prevent the spreading of such fire, and to remove goods and effects out of any houses, stores or places, endangered by said fire; and the major part of said wardens, present, are hereby empowered to cause to be pulled down, blown up, or removed, all such houses or buildings, as they may think necessary, for the purpose of preventing the spreading and progress of said fire. And the said fire wardens are hereby further empowered, to require and demand assistance from any of the inhabitants of said district, to pull down, or blow up, or remove any house or building; provided it shall be thought necessary by a major part of the fire wardens, then present, to prevent the spreading and progress of said fire. And said fire wardens are hereby empowered to suppress, with force, if necessary, all tumults and disorders, and order and direct the labor of all persons present during the continuance of said fire; and all persons present are hereby required and commanded to yield prompt obedience to such orders. And if any person shall refuse or neglect to obey the orders of such fire wardens, or any one of them, in time of fire, within the bounds of said corporation, in any matter authorized by this act, such offender shall, on conviction thereof, before any justice of the peace, within the county of Windham, forfeit and pay a fine not exceeding seven dollars; one moiety thereof to the treasurer of the town of Rockingham, and the other moiety to the use of said corporation. *Provided,* Said offender be prosecuted within six months from the time of committing such offence.

**SEC. 4.** *It is hereby further enacted,* That said corporation shall have power to make, ordain, and establish, such prudential by-laws, rules and regulations, as



they shall, from time to time, deem meet and proper ; By-laws.  
 such in particular, as relate to their streets, side-walks,  
 alleys, public highways, drains and commons, clearing,  
 repairing, and improving the same ; and such as relate to  
 slaughter houses and nuisances generally. *Provided,* Proviso.<sup>1</sup>  
 That no such by-law be contrary to, or inconsistent with,  
 the constitution or laws of this state, or of the United  
 States. And said corporation shall have power to make,  
 ordain and provide, such reasonable fines and penalties May establish  
 and forfeitures, for the breach of any by-laws, by them prices and pen-  
 established, as they may judge reasonable ; such fine alties for br'ch  
 or penalty not to exceed twenty-five dollars, for any one of by-laws.  
 offence, to be prosecuted and recovered by action of  
 debt before any court proper to try the same ; in which  
 action it shall be sufficient to declare generally, that the  
 defendant or defendants, is, or are, indebted to said cor-  
 poration, the amount of the fine, penalty or forfeiture, for  
 the breach of a certain by-law, naming such by-law,  
 generally, under which declaration the special matter  
 may be given in evidence. Mode of prose-  
 cuting.

SEC. 5. *It is hereby further enacted,* That it shall be Duties of clerk  
 the duty of the clerk of said corporation to keep fair rec- and bailiffs.  
 ords of all the proceedings of said corporation, and to  
 give copies of the same, when required, and shall re-  
 ceive such fees as town clerks are entitled, by law, to re-  
 ceive for like services. It shall, also, be his duty to  
 warn meetings of said corporation, both annual and spe-  
 cial, agreeably to the direction of the bailiffs : and the  
 said bailiffs, or a majority of them, are hereby authorized  
 to call a special meeting of said corporation, from time to Special meet-  
 time, as the interest of said corporation may require. ings.  
 causing the same to be warned by the clerk in manner  
 herein before specified for warning annual meetings. And  
 any such meeting, whether annual or special, may be ad-  
 journed from time to time, as said corporation may judge  
 proper ; and any business may be done, or transacted, at  
 such adjourned meeting, although not specified in the  
 original warning of such meeting. *Provided,* Proviso.  
 Notice of such business to be transacted at such adjourned meet-  
 ing, shall be notified to the inhabitants of said village, by  
 the clerk, under the direction of the bailiffs, in the same  
 manner as is herein before provided, for warning meet-  
 ings, giving twelve days notice as aforesaid.

SEC. 6. *It is hereby further enacted,* That it shall  
 be the duty of the said bailiffs, to make out and deliver to  
 the collector, an assessment or rate-bill, of all taxes,  
 which shall be laid by said corporation, to see that all

**Duties and powers of bailiffs.** the by-laws of said corporation are duly executed, and to direct all prosecutions for all the breaches of them; and, generally, to take care of all the prudential concerns of said corporation, and to perform all the duties enjoined upon them by said corporation. And all power by this act vested in said bailiffs, may be exercised by a majority of them; and in case of death, removal, absence or incapacity, of the clerk, the bailiffs may warn meetings of said corporation, by signing the warning and posting it up, in the manner herein before directed.

**Corporation may assess taxes.** **Sec. 7.** *It is hereby further enacted,* That said corporation may tax themselves for the purpose aforesaid, and levy and collect such taxes. *Provided,* That no tax shall be laid, or collected, without the consent and approbation of the legal voters of said corporation, or a major part of them, in open meeting duly warned and holden; and that no tax or taxes, shall be assessed by said corporation to an amount exceeding five hundred dollars, in any one year. *Provided also,* That this act shall not subject to taxation any real estate, lying without the bounds of said corporation, nor anywise affect the liabilities or immunities, of any person, as an inhabitant of the town of Rockingham. *Provided also,* That the legislature of this state may, hereafter, at any time, have the power to repeal, alter or amend, this act. *Provided nevertheless,* That this act shall not take effect without the consent and approbation of two thirds of the legal voters of said corporation.

[Passed Nov. 1, 1833.]

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40.—An act, incorporating certain persons therein named, by the name of the Boston Copper Mining Company.

**Persons incorporated.** **SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That Amos Binney, Isaac Tyson, junior, William Reynolds, John Heard, junior, and William B. Reynolds, their associates and successors, be, and they are hereby constituted and appointed a body politic and corporate, to all intents and purposes, by the name of *The Boston Copper Mining Company*, and by that name may sue and be sued, and appear, prosecute and defend, in all suits and actions; may purchase, hold, and convey both real and personal property; may have a common seal; and shall have and enjoy all privileges

which are incident to corporations, for the purpose of Powers.  
digging ore, and making, manufacturing, and vending copper, and any other thing that may be wrought from the ore, and minerals that have been, or may be discovered in lands owned, or which may, hereafter, be owned, by the persons in this act named, their associates and successors, and assigns, or either of them, in the town of Strafford, [or] elsewhere, in the county of Orange in this state.

SEC. 2. *It is hereby further enacted,* That the said Amos Binney, be, and hereby is, authorized and empowered, to call the first meeting of said corporation, within ninety days after passing of this act, by advertising in three newspapers printed in the city of Boston, at least, fourteen days previous to said meeting; at which first meeting, said corporation may choose such officers, as they may think necessary, and establish a mode of calling future meetings; and the said corporation, may, at the said meeting, and at all other meetings legally notified, make, repeal, and alter such by-laws, rules, and regulations, not repugnant to the constitution and laws of this state, or of the United States, as they may deem necessary, to carry into effect the object of said corporation. First meeting.  
  
By-laws.

SEC. 3. *It is hereby further enacted,* That the said corporation shall have power to divide their grant into as many shares as they may deem proper; and such shares shall be taken, deemed, and considered as personal estate to all intents and purposes; and may be transferred in such manner as said corporation may, by their by-laws establish; and when any shares shall be attached on any process, an attested copy of such process shall be left with the clerk of said corporation, with the officer's return thereon endorsed, at the time of serving the same, otherwise such attachment shall be void; and such shares may be sold on execution, in the same manner as now is, or may, hereafter be provided, by law, for making sale of personal property, on execution; the officer serving the same, leaving a copy of such execution, with his return thereon, with the clerk of said corporation, within fourteen days after such sale, and paying the clerk for recording the same; and such shares, so sold, shall, to all intents and purposes, vest in the purchaser. Corporation may divide grant into sh'rs. which shall be deemed personal property.  
  
Manner of serving process.

SEC. 4. *It is hereby further enacted,* That the said corporation shall have power, by themselves, their agent, or directors, to assess taxes on such shares, and, if necessary, to sell such shares, for the collection of the same, in Corporation may assess taxes.

Proviso.

such manner as such corporation may, by their by-laws establish. *Provided*, That nothing contained in this act, shall be so construed as to affect, injure, or impair any former grant made by this legislature. *Provided, also*,

Limitation.

That this act shall cease, and determine, at the expiration of twenty years.

[Passed Nov. 7, 1833.]

41.—An act, to incorporate the Lowell Iron Manufacturing Company.

Persons incorporated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That Abel Curtis, John Harding, and Sylvanus Sartle, and their associates and successors, be, and they hereby are, constituted a body politic and corporate, to all intents and purposes, by the name of the *Lowell Iron Manufacturing Company*, at Lowell, in the county of Orleans; and by that name may sue, and be sued, plead, and be impleaded, appear, prosecute, and defend in all suits and actions; may purchase, hold, and convey, real and personal estate to an amount not exceeding one hundred thousand dollars; may have a common seal; and shall have and enjoy all the privileges incident to corporations, for the purpose of manufacturing iron, in all its various branches, subject in all things to the laws of this state.

Powers.

First meeting.

SEC. 2. *It is hereby further enacted*, That the said Abel Curtis, or in his absence, John Harding, or Sylvanus Sartle, be authorized to call the first meeting of said corporation, at Lowell, at such time and place, as he shall appoint, within one year from the passing of this act, for the purpose of choosing such officers as may be deemed necessary, by publishing a notice thereof, three weeks, successively, in the Repertory, printed at St. Albans, at least twelve days before the day of said meeting; and said corporation, may, at said meeting, and at all other meetings, legally notified, make, repeal, and alter such by-laws, rules, and regulations as may be thought necessary, for the due regulation and management of said corporation, not repugnant to the constitution and laws of this state, nor of the United States.

By-laws.

May divide stock into shares.

SEC. 3. *It is hereby further enacted*, That said corporation may divide their stock into as many shares, and

provide for the sale, and transfer thereof, as said corporation may, from time to time, deem expedient.

SEC. 4. *It is hereby further enacted*, That this act shall be under the control of the legislature of this state, who may, at any time amend, alter, or repeal the same, as they may deem the public good requires. This act to be under control of future legislature.

[Passed Nov. 6, 1833.]

42.—An act, to incorporate and establish the Orange County Independent Grammar School.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is, constituted and established a county Grammar School, at Chelsea, in the county of Orange, in this state, and that Josiah Dana, Amplius Blake, Jedediah H. Harris, Stewart Brown, Richard Smith, Peter Burbank, John Wheatley, David G. Foster, Jason Steele, D. Azro A. Buck, Joshua Dickinson, John Stearns, and Rufus Lathrop, and their associates and successors, be, and hereby are, constituted a body politic and corporate, in name and in fact, with all the powers, rights and privileges belonging to corporations, to be known and distinguished by the name, style and designation of *The Orange County Independent Grammar School*. Persons incorporated.

SEC. 2. *It is hereby further enacted*, That the said corporation may have a common seal, and the same alter, at pleasure, may sue and be sued, prosecute and defend all suits, by attorney; may make their own by-laws, and regulations for the government of said grammar school, and the management of the interests thereof, not repugnant to the constitution and laws of this state; may contract with, and employ teachers and other servants, and the same dismiss, at pleasure; may take and hold, by grant, gift, purchase, or otherwise, real and personal estate, to the value of twenty thousand dollars; and the same improve, use, manage and appropriate to the benefit of said Grammar School. Powers of corporation. By-laws. Real and personal estate.

SEC. 3. *It is hereby further enacted*, That said corporation shall hold, exercise, and enjoy the rights, privileges, and immunities hereby granted, subject to the following restrictions and limitations, viz:

1. Said Grammar School shall be independent of any

Rights & privileges of corporation restricted.

1st. School shall be independent of any religious denomination. religious denomination, or sect, whatever; shall in no way be subject to their control, nor rely upon their especial patronage; but shall be an independent and classical institution, for the instruction of youth, solely, in literature and science.

2d. No clergyman shall be trustee or instructor. 2. No clergyman of any denomination, whatever, while actually engaged in clerical duties, shall be a trustee, principal, or instructor, in said grammar school.

3d. The use of sectarian books prohibited. 3. No books, designed to propagate and establish the peculiar and distinguishing principles and tenets of any religious denomination, shall be adopted, or used, as classics, in said Grammar School, or introduced, in any manner, therein, by the authority of the trustees, instructors, or any individual.

4th. Buildings shall not be used for religious meetings. 4. The buildings appropriated to said Grammar School, shall not be used for meetings, professedly, for religious instruction, other than that properly appertaining to the instruction pursued in, and the objects of, said Grammar School, as a literary and scientific institution; nor shall said buildings be used for any other meeting, not properly connected with the promotion of science, and the progress of literature, among the members of the school.

Powers of trustees. First meeting. SEC. 4. *It is hereby further enacted*, That the trustees herein before named, may increase their number, not to exceed sixteen; and said corporation may fill all vacancies which may occur in the board of trustees, by death, resignation, or removal out of the county of Orange, of any of the members of said corporation, at any meeting, held according to the by-laws which they may establish. And Josiah Dana and Amplius Blake, or either of them, may warn the first meeting of said trustees, at any convenient time and place, within six calendar months after the passing of this act. And any six of said trustees, shall be a quorum to transact the business of said corporation.

Building, &c. exempt from taxation. SEC. 5. *It is hereby further enacted*, That the academy buildings, belonging to said corporation, with the land adjacent, not exceeding two acres; library and philosophical apparatus, shall be free and exempt from all taxes.

Proviso. Future legislature may alter or repeal. *Provided*, That all the privileges of this act, shall be under the control of this, or any future legislature, so as to alter, amend, or repeal the same, at pleasure, as the public good may require.

[Passed Nov. 7, 1833.]

## 43.—An act, incorporating the Newbury Seminary.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, <sup>Newbury Seminary incorporated.</sup> instituted and established, in the town of Newbury, in the county of Orange, at the place where the building erected for the purpose now stands, a literary institution, by the name of *The Newbury Seminary.*

SEC. 2. *It is hereby further enacted,* That Lyman Fitch, Benjamin R. Hoyt, John W. Hardy, Timothy Morse, John F. Adams, George W. Fairbank, Benjamin F. Deming, Jared Perkins, Charles D. Cahoon, Silas Houghton, George Storrs, Daniel Hoit, and John Page, <sup>Trustees.</sup> and their successors, to be appointed in a manner herein after directed, shall, at all times, hereafter, constitute the board of trustees for the said institution, and be known by the name and style of *The Trustees of the Newbury Seminary.* <sup>Trustees constituted a body politic.</sup> And the said trustees, and their successors in office, are hereby declared, ordained, constituted and appointed, a body corporate and politic, to all intents and purposes, as well in name as in fact, with all the rights, powers, privileges and immunities, incident to such institutions.

SEC. 3. *It is hereby further enacted,* That the said corporation shall have full power to make and use a common seal, and also, to take by gift, grant, purchase or devise, any estate, real, personal or mixed, given or to be given, for the use of the said institution, or the promotion of education therein, to the amount of fifty thousand dollars, and the same to receive, hold, use and appropriate, <sup>Powers.</sup> in their discretion, and in pursuance of the will of the donors, for the use of said institution, and in promotion of the objects of its establishment; and by themselves, their agents or attorneys, to institute, maintain or defend, any suit or suits, which may or shall be sued, prosecuted or impleaded, either in law or equity, for the recovery or defence of any of the rights or property of said institution, as they shall find necessary; and also, to appoint, elect and remove, from time to time, such instructor or instructors, in said seminary, as they shall find necessary or expedient. <sup>Real and personal estate.</sup>

SEC. 4. *It is hereby further enacted,* That when, and so often, as any vacancy shall occur, in the said board of trustees, by reason of death, resignation or otherwise, <sup>Corporation may fill vacancies in the board.</sup> of either or any of the members of said board, it shall and may be lawful for the said corporation, at any regular stated meeting, or when specially notified, to attend

for that purpose, to elect, by ballot, such and so many as may be necessary to fill said vacancy.

By-laws.

SEC. 5. *It is hereby further enacted*, That the said corporation, at any meeting, legally warned, shall have full power to make any by-laws, for the government of said institution, and the regulation and management of its concerns, which are not incompatible or repugnant to the constitution or laws of this state, or of the United States.

Property exempt from taxation.

SEC. 6. *It is hereby further enacted*, That all necessary buildings of the institution, together with a farm, known by the name of the Lovell Farm, to be connected therewith, for the purpose of uniting manual labor with education, with a library and philosophical apparatus, be exempt from taxation.

First meeting.

SEC. 7. *It is hereby further enacted*, That the first meeting of the board of trustees be holden at the Spring Hotel, in said New bury, on Tuesday, the twelfth day of November, in the year of our Lord, one thousand eight hundred and thirty-three, and that a majority of the members of said corporation, when met, at said meeting, shall be a quorum to transact the business of said corporation.

Future legislature may alter or amend this act.

SEC. 8. *It is hereby further enacted*, That all the privileges of this act, shall be under the control of this, or any future legislature, so as to alter, amend, or repeal the same, at pleasure, as the public good may require.

[Passed Nov 2, 1833.]

44.—An act, incorporating the Norwich Manufacturing Company.

Persons incorporated.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That Joseph Emerson, Horace Hatch, Aaron Loveland, Cyrus Partridge, Roswell Shurtleff, Thomas Hazen, John S. Paine, Alden Partridge, John Wright, Calvin Seaver, junior, E. B. Williston, and their associates, heirs and assigns, be, and they are hereby constituted and appointed a body politic and corporate, to all intents and purposes, by the name of *The Norwich Manufacturing Company*; and by that name may sue and be sued; appear, prosecute and defend, in all suits and actions; may purchase, hold and convey, both real and personal estate, or property, to an amount not exceeding two hundred thousand dollars;

Powers of corporation.



may have a common seal, and shall have and enjoy all the privileges which are incident to corporations, for the purpose of manufacturing cotton and woollen yarns, goods and stuffs, or either of them, within the town of Norwich, in Windsor county.

SEC. 2. *It is hereby further enacted,* That the first meeting of said corporation shall be holden at the Union Hotel, in said Norwich, on the second Wednesday of January next, for the purpose of choosing such officers as they may think necessary, and of establishing a mode of calling future meetings: and the said corporation, may, at said meeting, and at all other meetings legally notified, make, repeal and alter, such by-laws, rules and regulations, not repugnant to the constitution and laws of this state, nor of the United States, as they may deem necessary to carry into effect the object of said corporation.

Object for which incorporated.

First meeting.

Corporation may make by-laws.

SEC. 3. *It is hereby further enacted,* That said corporation shall have power to divide this grant into as many shares as they may deem proper, and establish the mode of disposing of the same; and said shares shall be deemed and considered as personal estate; and when any share shall be attached on mesne process, an attested copy of such process, with the officer's return thereon endorsed, shall, at the time of said service, be left with the clerk of said corporation, or such attachment shall be void. And when any of said shares shall be sold on execution, the officer serving the same shall, within ten days after said sale, leave a copy of said execution, with his return thereon, with the clerk of said corporation, and pay him for recording the same, or said sale shall not be valid.

May divide grant into shares, which shall be deemed personal estate.

Mode of serving attachment or execution on shares.

SEC. 4. *It is hereby further enacted,* That said corporation shall have power, by themselves, or their directors, to assess taxes on such shares, and if necessary to sell such shares for the collection of the same, in such manner as said corporation may establish.

Corporation may assess taxes.

SEC. 5. *It is hereby further enacted,* That when any execution shall legally issue against said company, it may be levied on the corporate property, which may be sold, as provided by the third section of this act.

Corporate property, how to be sold on execution.

SEC. 6. *It is hereby further enacted,* That the privileges given by this act, shall be under the control of this or any future legislature, so as to alter, amend, or repeal the same, as the public good may require.

This act may be altered or repealed.

[Passed Nov. 7, 1833.]

45.—An act, to incorporate the Springfield Manufacturing Company.

- Persons incorporated.** SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Nomlas Cobb, Luke Williams, Horatio G. Hawkins, Noah Safford, Samuel W. Porter, Frederick A. Porter, and Charles E. Porter, and their associates and successors be, and hereby are, constituted a body politic and corporate, to all intents and purposes, by the name of *The Springfield Manufacturing Company*; and by that name may sue, and be sued, plead and be impleaded, appear, prosecute and defend, in all suits and actions; may purchase, hold, and convey real and personal estate, to an amount not exceeding fifty thousand dollars; may have a common seal; and shall have, and enjoy all the privileges incident to corporations, for the purpose of manufacturing cotton and woolen goods, in all its various branches.
- Powers.** SEC. 2. *It is hereby further enacted,* That the said Nomlas Cobb, or in case of his absence, or neglect, Samuel W. Porter, or Luke Williams, be authorized to call the first meeting of said corporation, to be holden at Springfield, at such time and place, as he shall appoint, at any time, within one year, from the passing of this act, for the purpose of choosing such officers, as may be deemed necessary, by posting up a notification thereof, at the dwelling house of Edmund Durrin, in said Springfield, at least, twelve days before the day of such meeting. And said corporation may, at said meeting, and all other meetings, legally notified, make, repeal, and alter
- First meeting.** such by-laws, rules and regulations, as may be thought necessary for the due regulation and management of said corporation, not repugnant to the laws of this state, or of the United States.
- Further powers of corporation.** SEC. 3. *It is hereby further enacted,* That the property of the stockholders in said corporation, shall be considered as personal property, and be holden as such, to satisfy the debts of said corporation.
- Property of stockholders considered personal estate.** SEC. 4. *It is hereby further enacted,* That said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, as said corporation may from time to time, deem expedient.
- May divide stock into shares.** SEC. 5. *It is hereby further enacted,* That all the privileges of this act, shall be under the control of this, or any future legislature, so as to repeal, alter or amend the same, at their pleasure, as the public good may require.
- Privileges of this act to be under control of future legislature.** [Passed Oct. 26, 1833.]

46.—An act, to incorporate the Winooski Manufacturing Company.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Timothy Follett, Justus Burdick, Dan Day, and Guy Catlin, and their associates and successors, be, and hereby are, made a body politic and corporate, by the name of *The Winooskie Manufacturing Company*; and by that name may sue, and be sued; may have a common seal, and enjoy all the privileges incident to corporations, for manufacturing cotton and wool, at the lower falls of Onion river, in the town of Colchester. Persons incorporated.

SEC. 2. *It is hereby further enacted,* That said company may possess and hold real estate, to the amount of one hundred thousand dollars. Real estate.

SEC. 3. *It is hereby further enacted,* That said company, at any legal meeting, may have power to divide this grant into as many shares as they may think proper, and establish the mode of transferring the same; and to make such by-laws, not repugnant to the constitution and laws of this state, nor of the United States, as may be deemed necessary. May divide grant into shares.  
By-laws

SEC. 4. *It is hereby further enacted,* That there shall be a meeting of the corporation, holden at the public house of Cady and Doolittle, in Burlington, in Chittenden county, on the first Monday of January next, at one o'clock, in the afternoon, for the purpose of choosing a clerk, and such other officers as may be deemed necessary, for carrying into effect this grant. Time for meeting of corporation.

SEC. 5. *It is hereby further enacted,* That the privileges given by this act, shall be limited to the term of thirty years. Limitation.

[Passed Nov. 7, 1833.]

47.—An act, to incorporate the persons therein named, by the name of *The Barnet Cotton and Woollen Manufacturing Company*.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That Henry Stevens, William Gleason, John Herren, and their associates and successors, be, and hereby are, made a body politic and corporate, by the name of *The Barnet Cotton and Woollen* Persons incorporated.

**Powers.** *Manufacturing Company*; and by that name may sue and be sued; may have a common seal; and enjoy all the privileges incident to corporations, for the purpose of manufacturing cotton and wool, at Stevens' Village, in Barnet.

**May hold real and personal estate.** SEC. 2. *It is hereby further enacted*, That said company may possess and hold real and personal estate, to the amount of three hundred thousand dollars, subject to all the legal privileges incident to corporations, for such purposes.

**Corporation may divide this grant into shares.** SEC. 3. *It is hereby further enacted*, That said company, at any legal meeting, may have power to divide this grant into as many shares as they may think proper, and establish the mode of transacting [transferring] the same, either for the assessment of each share, made by said company, for the payment of taxes, or private sale; and said corporation shall have power to make by-laws, not repugnant to the constitution and laws of this state, or of the United States, regulating their common interest.

**By-laws.** SEC. 4. *It is hereby further enacted*, That there shall be a meeting of the corporation, holden at the dwelling house of Henry Stevens, in Barnet, in the county of Caledonia, on the first Monday of January next, at one o'clock, in the afternoon, for the purpose of choosing a clerk, and such other officers, as may be deemed necessary, for carrying into effect this grant, and to regulate the interests of this corporation. And this corporation may, from time to time, establish such method of calling future meetings, as they may judge proper.

**First meeting.** **Officers.** SEC. 5. *It is hereby further enacted*, That the privileges given by this act, shall be limited to the term of thirty years.

[Passed Nov. 7, 1833.]

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48.—An act, extending the time, and continuing in force for a limited period, an act, entitled "an act, incorporating certain persons therein named, by the name of the White River Bridge Company," passed November tenth, one thousand eight hundred and fifteen.

**Former act extended.** SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That the act, entitled "an act, incorporating certain persons therein named, by the name of *The White River Bridge Company*, passed, November tenth, in the year of our Lord one thousand eight

hundred and fifteen, shall be, and hereby is, extended and continued in force, until the first day of January, in the year of our Lord, one thousand eight hundred and eighty-four.

SEC. 2. *It is hereby further enacted*, That the rates of toll specified in said act, be so far altered as to authorize said company, hereafter, to take and receive for each sulkey, ten cents; for each loaded cart, or waggon, drawn by two beasts, sixteen cents; and for each additional beast, two cents; for each unloaded cart, or waggon, drawn by two beasts, ten cents; and for each additional beast, two cents; for each sleigh or sled, drawn by two beasts, twelve and a half cents; and for each additional beast, two cents; for each waggon, drawn by one horse, ten cents.

Rates of toll.

[Passed Nov. 7, 1833.]

49.—An act, in addition to an act, incorporating the village of Brattleborough.

*It is hereby enacted by the General Assembly of the State of Vermont*, That the first proviso, in the second section, be so amended as to read as follows:—'That no tax shall be laid or collected, without the consent and approbation of a major part of the legal voters of said village, present, in open meeting, duly warned and holden, agreeably to the provisions of this act.'

Former act amended.

[Passed Oct. 30, 1833.]

50.—An act in addition to, and extending the operation of, an act, entitled, "an act to incorporate The Vermont Rail Road Company," passed November eighth, one thousand eight hundred and thirty-two.

*It is hereby enacted by the General Assembly of the State of Vermont*, That all the limitations of time, for carrying into effect the several provisions of the act to which this is an addition, be, and they hereby are, extended one year, from and after the passing of this act, so that the act to which this is in addition, take effect as if passed at the date of this act.

Time extended for carrying in-to effect former act.

[Passed Nov 6, 1833.]

- 51.—An act, in addition to “an act, to incorporate the Rutland and Whitehall Rail Road Company.”

Time for receiving subscriptions extended.

Time for commencing and completing road extended

*It is hereby enacted by the General Assembly of the State of Vermont,* That the time to open the books to receive subscriptions to the capital stock of said company, is hereby extended to the first day of January, in the year of our Lord one thousand eight hundred and thirty-five, and that the times specified in said act within which the said company are to commence the construction of said road, and within which said road is to be completed, shall commence and be completed, from the passage of this act.

[Passed Oct. 26, 1833.]

- 2.—An act, in addition to an act, entitled “an act, to incorporate the President, Directors, and company of the Essex Bank.”

Stockholders may add two to the number of directors.

*It is hereby enacted by the General Assembly of the State of Vermont,* That it shall be lawful for the stockholders of the Essex Bank, at their several annual meetings, hereafter to be holden for the choice of directors of said bank, to add two to the number of directors now authorized by their charter; and the directors so added to the board of directors, by this act, shall give bonds, and have the same powers, and be subject to the same penalties, as is provided in the act, to which this is in addition.

[Passed Nov. 2, 1833.]

- 53.—An act, in alteration of, and to amend an act, entitled, “an act establishing a corporation by the name of the Champlain Transportation Company.”

Time for annual election of directors.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont,* That the annual election of directors for said *Champlain Transportation Company*, may, hereafter, be holden on the first Thursday of January, in each year, instead of the Thursday next preceding the first day of February, in each year, as is now in, and by said act, provided; and the said directors, when

so elected, shall hold their offices for one year, from the said first Thursday in January, in each year.

SEC. 2. *It is hereby further enacted,* That the said company, at any annual or extraordinary meeting of said company, legally notified, agreeably to the act to which this is an alteration, or agreeably to the by-laws of said company, shall have power to increase the stock of said company, so that the same may consist of three thousand shares, of fifty dollars each.

Corporation  
may increase  
the number of  
shares.

[Passed Nov. 6, 1833.]

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## ROADS AND FERRIES.

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54.—An act to repeal an act therein mentioned.

**Former act repealed.** **SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That an act, passed November seventh, one thousand eight hundred and five, entitled, “an act establishing a corporation by the name of *The Fairhaven Turnpike Company*, and all acts in addition to, and alteration thereof, be, and the same are, hereby, repealed. *Provided,* That the said corporation shall, by a vote of said corporation, on or before the first day of May next, accept this act.

**Proviso.**

**Turnpike a public road, and towns holden to repair the same.** **SEC. 2.** *It is hereby further enacted,* That the said road, upon the acceptance of this act, by said corporation, as aforesaid, is, hereby, declared to be a public road; and the towns through which it passes shall be holden to repair the same; and for all damages in consequence of defects in the same, in the same manner as if the same had been laid, and opened by said towns, respectively.

**Selectmen may discontinue said road.** **SEC. 3.** *It is hereby further enacted,* That the selectmen of the several towns, aforesaid, shall have the same power to discontinue, alter, or set over said road, or any part thereof, as though the same had been originally laid out by such selectmen. *Provided,* The said corporation shall accept the provisions of this act.

[Passed Nov. 4, 1833.]

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55.—An act, to repeal an act, therein mentioned.

**Former act repealed.** **SECTION 1.** *It is hereby enacted by the General Assembly of the State of Vermont,* That an act, passed November eleventh, in the year of our Lord, one thousand eight hundred and fifteen, entitled, “an act establishing



a corporation by the name of *The Danville Turnpike Company*, and all acts in addition to, and alteration thereof, be, and the same are, hereby, repealed. *Provided*, That the said corporation, shall, by a vote of said corporation, on or before the first day of May next, accept this act. *Provided also*, That this act shall not take effect until said corporation shall pay to the state's attorney, for Caledonia county, for the use of the state, the full amount of a fine and costs, imposed on said company, by the county court of Caledonia county, at their June term, in the year of our Lord, one thousand eight hundred and thirty-three.

Proviso.

Corporation shall pay fine and cost imposed by court.

SEC. 2. *It is hereby further enacted*, That the said road, upon the acceptance of this act, by said corporation, as aforesaid, is hereby declared to be a public road, and the towns through which it passes, shall be holden to repair the same, and for all damages in consequence of defects in the same, in the same manner as if the same had been laid and opened by said towns, respectively.

Road declared a public road.

Towns liable for damages, &amp;c.

SEC. 3. *It is hereby further enacted*, That the selectmen of the several towns aforesaid, shall have the same power to discontinue, alter, or set over, said road, or any part thereof, as though the same had been originally laid out by such selectmen. *Provided*, Said corporation shall accept the provisions of this act.

Selectmen may discontinue road, or any part thereof.

Proviso.

[Passed Oct. 29, 1833.]

56.—An act, authorising the Randolph Turnpike Company to surrender their charter.

SECTION 1. *It is hereby enacted by the General Assembly of the State of Vermont*, That from and after the passing of this act, it shall be lawful for *The Randolph Turnpike Company*, to surrender their charter of incorporation, and be fully discharged from any liability arising out of their act of incorporation.

Company authorized to surrender their charter.

SEC. 2. *It is hereby further enacted*, That when said company shall have surrendered up their charter of incorporation, as aforesaid, the said turnpike shall, thereupon, become a public road, to all intents and purposes, and the same be held and kept in repair, by the respective towns, through which said turnpike road now passes, in the same manner as is provided for the support of other highways and bridges.

Turnpike a public road, and town shall repair the same.

Turnpike Company to cause vote surrendering to be recorded.

SEC. 3. *It is hereby further enacted,* That whenever the said company shall surrender their charter of incorporation, as is provided in the first section of this act, it shall be the duty of the clerk of said company, to cause to be recorded in the town clerk's offices, in the several towns through which said turnpike road now runs, a certified copy of the vote of said company, by which they make their surrender, which shall be deemed sufficient notice to the several towns, so made liable to keep said road in repair.

[Passed Nov. 6, 1833.]

57.—An act for the relief of the Rutland and Stockbridge Turnpike Company.

Committee to re-survey road.

*It is hereby enacted by the General Assembly of the State of Vermont,* That Lyman Mower, of Woodstock, and Ambrose L. Brown, of Rutland, be, and they are, hereby, appointed a committee to re-survey the Rutland and Stockbridge Turnpike Road, from the west line of Stockbridge, to the road running north and south through Rutland village, and make such alterations in said road as in the opinion of said committee the public good shall require; and the re-survey of said road shall be made within one year from the passing of this act; and if said committee shall alter said turnpike road, or any part thereof, such re-survey and alterations shall be made in the same manner as is provided in "an act incorporating certain persons therein mentioned, by the name of the Rutland and Stockbridge Turnpike Company," passed November fourth, one thousand eight hundred and four; and the damages shall be assessed by said committee, and payments made by said corporation, in the same manner, and under the same regulations and restrictions, as is provided in the act last aforesaid. And whenever such part of said turnpike road, which shall be laid out by said committee, shall be made to the acceptance of said committee, the old road, where such alterations shall have been made, shall become, and be deemed a public highway, and be under the superintendence, and at the disposal of the town, through which it passes; and the survey, when made by said committee, shall be recorded in the town clerk's office, of the town in which such

Re-survey, how made.

Damages, how assessed.

Declared to be a public road, and under the superintendence of town.

alteration may be made, within thirty days after the same shall be completed. *Provided*, That the said corporation shall not take any benefit of this act, unless the road, where altered by said committee, shall be made and completed to the acceptance of said committee, within two years from the passing of this act.

Proviso.

[Passed Nov. 6, 1833.]

58.—An act granting a Ferry to Hiram Fuller.

*It is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is, granted unto Hiram Fuller, of Grand Isle, his heirs and assigns, the exclusive privilege of keeping a ferry, from his landing place, on the north shore of Grand Isle, to North Hero, for and during the term of ten years, from and after the first day of January next; which exclusive right shall be deemed to extend one mile each way from his landing, in Grand Isle. *Provided*, That the said Hiram Fuller, his heirs and assigns, shall, in all things, be subject to, and governed by, the general statutes of this state, regulating ferries, and ferriages.

Ferry granted to Hiram Fuller.

Term for which granted.

Proviso.

[Passed Nov. 7, 1833.]

59.—An act, granting a Ferry to John S. Larrabee.

*It is hereby enacted by the General Assembly of the State of Vermont*, That there be, and hereby is, granted to John S. Larrabee, of Shoreham, in the county of Addison, his heirs and assigns, the exclusive privilege of keeping a ferry, from his landing place, at Larrabee's Point, in said Shoreham, to Ticonderoga, in the state of New-York, for, and during the term of fifteen years, from and after the passing of this act. And the said John S., his heirs and assigns, in conducting and managing the concerns of said ferry, shall, in all things, be governed by the general statutes of this state, in that case made and provided.

Ferry granted to John S. Larrabee.

Term for which granted.

[Passed Nov. 7, 1833.]

60.—An act, granting to Asahel Barnes the exclusive right of a Ferry.

*It is hereby enacted by the General Assembly of the State of Vermont,* That there be, and hereby is, granted to Asahel Barnes, of Addison, in the county of Addison, his heirs and assigns, the exclusive right of keeping a Ferry, from Chimney Point, across Lake Champlain, to the town of Moriah, in the state of New-York, for the term of ten years, from, and after the passing of this act:—said privilege to extend one mile each way, up and down the lake. *Provided,* That the said Asahel, his heirs and assigns, shall furnish themselves with a good convenient scow and boat, well manned, for the purpose of conveying passengers, horses, cattle, teams and carriages, across said ferry, under such restrictions and regulations, as a majority of the selectmen, and civil authority, of said town of Addison, shall make, agreeably to law. *Provided nevertheless,* That if the said Asahel, his heirs or assigns, shall refuse or neglect to convey any passengers, horses, cattle, teams or carriages, across said ferry, or cause any unreasonable delay therein, he, or they, shall forfeit and pay to the treasurer of the town, the sum of five dollars, and all damages to the persons injured by such delay. *Provided also,* That the selectmen and civil authority, aforesaid, shall, at the expense of the said Asahel, his heirs and assigns, examine into the situation of said ferry, designating the rates of ferriage, from time to time, and as often as once in each and every year; and if, in their opinion, he or they, are not furnished with a good scow and boat, as aforesaid, he, or they, shall, thereafter, forfeit all rights and privileges granted by this act.

[Passed, Oct. 26, 1833.]

Ferry granted to Asahel Barnes.

Term for which granted.

Proviso.

To be furnished with accommodations.

Penalty for unreasonable neglect.

Civil authority to designate rates of ferriage.

## MISCELLANEOUS.

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61.—An act, altering the names of sundry persons therein mentioned.

*It is hereby enacted by the General Assembly of the State of Vermont,* That Lydia Washburn, of Cavendish, in the county of Windsor, shall, and may be, hereafter, known and called by the name of Lydia Losina Powers; John Redhead, of Burlington, in the county of Chittenden, shall, and may be, hereafter, known and called by the name of John Redhead Forest; Lucas Miltiadies, of Berlin, in the county of Washington, shall, and may be, hereafter, known and called by the name of Lucas Miltiadies Miller.

Name of Lydia Washburn altered.  
Name of John Redhead altered.  
Name of Lucas Miltiadies altered.

[Passed Oct. 29, 1833.]

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62.—An act, for the relief of the Orwell Band of Music.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the Orwell Band of Music shall not hereafter, be required to perform military duty, excepting when so ordered by the commandant of the first regiment, second brigade, and second division of the militia of this state, and in their said capacity, and not otherwise. *Provided,* That said band shall at all times keep the necessary musical instruments, in good repair, and be subject to the general laws of this state, for organizing and governing the militia thereof, not inconsistent herewith.

Exemption from military duty.  
Proviso.

[Passed Nov. 2, 1833.]

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63.—An act, directing the Quarter Master General to furnish a field piece to the Franklin Artillery Company, attached to the third regiment, third brigade, and third division of the militia of this state.

*It is hereby enacted by the General Assembly of the State of Vermont,* That the Quarter Master General be, and he

Quarter-master  
General directed  
to furnish  
Franklin artillery  
with field  
piece.

Proviso.

hereby is, directed to furnish a suitable field piece for the use of the Franklin Artillery Company, attached to the third regiment, third brigade, and third division of the militia of this state.

*Provided nevertheless*, That said company, at their own expense, provide a suitable gun house, or room, for the safe keeping of said field piece, to the satisfaction of the field officers of said regiment, before they take any benefit by this act. *Provided*, there is a piece of ordnance belonging to this state, not already loaned.

[Passed Nov. 1, 1833.]

## State of Vermont.

SECRETARY OF STATE'S OFFICE, }  
MONTPELIER, NOV. 18th, 1833. }

I hereby certify that the foregoing sixty-three chapters are true copies of the original acts, passed by the Legislature of this State, on file in this office.

**TIMOTHY MERRILL,**  
*Secretary of State.*

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